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POSITION OF THE EUROPEAN PARLIAMENT

adopted at first reading on 6 February 2013 with a view to the adoption of Regulation (EU) No .../2013 of the European Parliament and of the Council on the Common fisheries policy, amending Council Regulations (EC) No 1954/2003 and (EC) No 768/2005 and repealing Council Regulations (EC) No 2371/2002 and (EC) No 639/2004 and Council Decision 2004/585/EC (EP-PE_TC1-COD(2011)0195)

PE 500.952

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with a view to the adoption of Regulation (EU) No .../2013 of the European Parliament and of the Council on the Common fisheries policy, amending Council Regulations (EC) No 1954/2003 and (EC) No 768/2005 and repealing Council Regulations (EC) No 2371/2002 and (EC) No 639/2004 and Council Decision 2004/585/EC

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 43(2) thereof,

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national Parliaments,

Having regard to the opinion of the European and Social Committee¹,

Having regard to the opinion of the Committee of the Regions²,

Acting in accordance with the ordinary legislative procedure³,

Whereas:

¹ OJ C 181, 21.6.2012, p. 183.

² OJ C 225, 27.7.2012, p. 20.

³ Position of the European Parliament of 6 February 2013.

- (1) Council Regulation (EC) No 2371/2002¹ established a Community system for the conservation and sustainable exploitation of fisheries resources under the Common Fisheries Policy.
- (2) The scope of the Common Fisheries Policy includes *the* conservation, ~~management and exploitation~~ of marine biological resources *and the management of fisheries targeting them*. In addition, ~~the Common Fisheries Policy's scope~~ *it* includes, in relation to market measures and financial measures in support of its objectives, ~~fresh water biological resources and~~ aquaculture *activities*, as well as the processing and marketing of fishery and aquaculture products, where such activities take place on the territory of Member States, or in Union waters, including by fishing vessels flying the flag of, and registered in, third countries, or by Union fishing vessels, or by nationals of Member States, without prejudice to the primary responsibility of the flag State, bearing in mind the provisions of Article 117 of the United Nations Convention on the Law of the Sea. [**Am. 2**]

¹ OJ L 358, 31.12.2002, p. 59.

- (3) The Common Fisheries Policy should ensure that fishing and aquaculture activities contribute to long-term ~~sustainable~~ environmental, economic, and social ~~conditions~~ *sustainability*. It should ~~contribute moreover to increased productivity~~ *include rules that aim to ensure the traceability, security and quality of Union imported products*, a fair standard of living for the fisheries sector, *food security*, stable markets, ensure the availability of resources and that supplies reach consumers at reasonable prices. [Am. 3]

- (4) The Union is a Contracting Party to the United Nations Convention on the Law of the Sea of 10 December 1982 (Unclos)¹ and it has ratified the United Nations Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks of 4 August 1995 (UN Fish Stocks Agreement)². It has also accepted the Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas of 24 November 1993 of the Food and Agriculture Organisation of the United Nations (FAO Compliance Agreement)³.

¹ OJ L 179, 23.6.1998, p. 1.

² OJ L 189, 3.7.1998, p. 14.

³ OJ L 177, 16.7.1996, p. 24.

These international instruments predominantly foresee conservation obligations, including among other things obligations to take conservation and management measures designed to maintain or restore marine resources at levels which can produce the maximum sustainable yield both within sea areas under national jurisdiction and on the high seas, and to cooperate with other States to this end, obligations to apply the precautionary approach widely to conservation, management and exploitation of fish stocks, obligations to ensure compatibility of conservation and management measures where marine resources occur in sea areas of different jurisdictional status and obligations to have due regard to other legitimate uses of the seas. The Common Fisheries Policy should contribute to the Union's proper discharge of its international obligations under these international instruments. Where Member States adopt conservation and management measures, for which they have been empowered in the framework of the Common Fisheries Policy, they should also act in a manner which is fully consistent with the international conservation and cooperation obligations under the said international instruments.

(5) At the World Summit on Sustainable Development at Johannesburg in 2002, the Union and its Member States committed to act against the continued decline of many fish stocks. Therefore, the Union should improve its Common Fisheries Policy to ensure that, as a matter of priority ~~exploitation levels of marine biological resources stocks are restored and maintained at levels capable~~, **by 2015, fishing mortality rates are set at levels that should allow fish stocks to recover, by 2020 at the latest, above levels that are capable of producing maximum sustainable yields from the populations of harvested stocks by 2015 yield and that should allow all recovered stocks to be maintained at these levels.** Where less scientific information is available, this may require applying proxies to maximum sustainable yield. [Am. 5]

(5a) ***The concept of maximum sustainable yield, enshrined in Unclos, is a fisheries management target that has been legally binding on the Union since its ratification in 1998.*** [Am. 6]

(5b) Adopting fishing mortality rates below those necessary to maintain fish stocks at levels above those capable of producing the MSY is the only way of ensuring that the fishing industry becomes economically viable in the long term without reliance upon public aid. [Am. 232]

(5c) Multiannual plans should be the main instrument to ensure that, by 2015, fishing mortality rates are set at levels that should allow fish stocks to recover, by 2020 at the latest, above levels that are capable of producing the maximum sustainable yield and that should allow all recovered stocks to be maintained at these levels. Only a clear and binding commitment to these dates is capable of ensuring that immediate action is taken and that the recovery process is not further delayed. In respect of those stocks for which no multiannual plan has yet been adopted, it is essential to ensure that, when setting fishing opportunities for them, the Council adheres fully to the objectives of the Common Fisheries Policy. [Am. 7]

(5d) In order to create more stable conditions for the fishing sector, it should also be possible for multiannual plans to contain provisions that limit yearly fluctuations of the total allowable catch for recovered stocks. The exact limits to these fluctuations should be stated in the multiannual plans. [Am. 8]

(5e) Management decisions relating to maximum sustainable yield (MSY) in mixed fisheries should take into account the difficulty of fishing all stocks in a mixed fishery at maximum sustainable yield at the same time, in cases where scientific advice indicates that it is very difficult to avoid the phenomenon of "choke species" by increasing the selectivity of the fishing gears used. ICES and the Scientific, Technical and Economic Committee for Fisheries (STECF) should be requested to provide advice on the appropriate fishing mortality levels in such circumstances. [Am. 9]

(5f) If it is necessary to drastically reduce fishing opportunities during a transitional period in order to achieve the maximum sustainable yield, the Union and the Member States should ensure that adequate social and financial measures are taken to sustain enough businesses throughout the production chain to achieve a balance between fleet capacity and available resources when the maximum sustainable yield is reached. [Am. 10]

(6) Fisheries targets were laid down in the Decision by the Conference of the Parties to the Convention on Biological Diversity on the Strategic Plan for Biodiversity 2011 – 2020¹, the Common Fisheries Policy should ensure coherence with the biodiversity targets adopted by the European Council², and the targets of Commission Communication "Our life insurance, our natural capital: an EU Biodiversity Strategy to 2020"³, in particular to achieve maximum sustainable yield by 2015.

¹ COP Decision X/2.

² EU CO 7/10 of 26 March 2010.

³ COM(2011)0244.

- (7) Sustainable exploitation of marine biological resources should *always* be based on the precautionary approach, which is to be derived from the precautionary principle referred to in the first subparagraph of Article 191(2) of the Treaty on the Functioning of the European Union (TFEU), *taking into account available scientific data*. [Am. 12]
- (8) The Common Fisheries Policy should contribute to the protection of the marine environment, *to the sustainable management of all commercially exploited species*, and in particular to the achievement of good environmental status by 2020 the latest, as set out in Article 1(1) of Directive 2008/56/EC of the European Parliament and the Council of 17 June 2008 establishing a framework for community action in the field of marine environmental policy (Marine Strategy Framework Directive)¹. [Am. 13]

¹ OJ L 164, 25.6.2008, p. 19.

(8a) *The Common Fisheries Policy should also contribute to supplying the Union market with highly nutritional food, and to reducing the internal market's food dependence, as well as to direct and indirect job creation and economic development in coastal areas.*
[Am. 14]

(9) An ecosystem based approach to fisheries management needs to be implemented, ~~environmental impacts of fishing activities should be limited and unwanted catches should~~ *be in order to help ensure that the impact of human activities on the marine ecosystem is kept to a minimum and that unwanted catches are prevented,* minimised and progressively, *where possible,* eliminated, *and that a situation is progressively achieved in which all catches are landed.* [Am. 15]

- (10) It is important that the management of the Common Fisheries Policy is guided by principles of good governance. Those principles include decision-making based on best available scientific advice, broad stakeholder involvement and a long-term perspective. The successful management of the Common Fisheries Policy also depends on a clear definition of responsibilities at Union, national, regional and local levels and on the mutual compatibility and consistency of the measures taken with other Union policies.
- (11) The Common Fisheries Policy should pay full regard, where relevant, to animal health, animal welfare, food and feed safety.

- (12) The Common Fisheries Policy should be implemented in a way that *is generally consistent with other Union policies and, in particular, that* takes into account interactions with Union action in other maritime policy areas ~~as addressed by the Integrated Maritime Policy~~[†], recognising that all matters related to Europe's oceans and seas are interlinked, including maritime spatial planning. Coherence and integration should be ensured in the management of different sectoral policies within the Baltic Sea, North Sea, Celtic Seas, Bay of Biscay and the Iberian Coast, Mediterranean and Black Sea sea basins. [Am. 17]
- (13) Union fishing vessels should have equal access to Union waters and resources subject to the rules of the CFP.

[†] ~~Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions on an Integrated Maritime Policy for the European Union, COM(2007)575 final.~~

- (14) Rules in place restricting access to resources within the 12 nautical mile zones of Member States have operated satisfactorily benefiting conservation by restricting fishing effort in the most sensitive part of Union waters. Those rules have also preserved traditional fishing activities on which the social and economic development of certain coastal communities is highly dependent. Those rules should therefore continue to apply ***and should, where possible, be strengthened to give preferential access for small scale, artisanal or coastal fishermen.*** [Am. 18]
- (14a) ***The definition of small-scale fishing needs to be widened to take account of criteria in addition to boat size, including, inter alia, the prevailing weather conditions, the impact of fishing techniques on the marine ecosystem, the time spent at sea and the characteristics of the economic unit exploiting the resource. Small offshore islands which are dependent on fishing should be especially recognised and supported, both financially and through the allocation of additional resources, in order to enable them to survive and prosper in the future.*** [Am. 19]

- (15) Marine biological resources around the Azores, Madeira and the Canary Islands should continue to be especially protected since they contribute to the preservation of the local economy of these islands, having regard to the structural, social and economic situation of those islands. The limitation of certain fishing activities in those waters to fishing vessels registered in the ports of the Azores, Madeira and the Canary Islands should therefore be maintained.
- (16) The objective of sustainable exploitation of marine biological resources is more effectively achieved through a multi-annual approach to fisheries management. ***To that end, Member States, cooperating closely with the public authorities and the Advisory Councils, should create the conditions for sustainability, including at a local level,*** establishing as a priority multi-annual plans reflecting the specificities of different fisheries. ***This could be achieved through common actions at the regional level and, in a more binding way, through decision-making procedures that lead to the drawing-up of multiannual plans.***
[Am. 20]

- (17) Multi-annual plans should where possible cover multiple stocks where those stocks are jointly exploited. The multiannual plans should establish the basis for fixing fishing opportunities and quantifiable targets for the sustainable exploitation of stocks and marine ecosystems concerned, defining clear timeframes and safeguard mechanisms for unforeseen developments. ***Multiannual plans should also be governed by precisely defined management objectives in order to contribute to the sustainable exploitation of the stocks and of the marine ecosystems concerned. When the management scenarios could have a socioeconomic impact on the regions concerned, these plans should be adopted in consultation with operators in the fishing industry, with scientists and with institutional partners.*** [Am. 21]

(18) Measures are needed to reduce ~~and eliminate~~ the current high levels of unwanted catches and *to gradually eliminate* discards. ***Unfortunately, previous legislation has often obliged fishermen to discard valuable resources.*** Indeed, ~~unwanted catches and~~ discards constitute a substantial waste and affect negatively the sustainable exploitation of marine biological resources and marine ecosystems as well as the financial viability of fisheries. An obligation to land all catches of managed stocks caught during fishing activities in Union waters or by Union fishing vessels should be established and gradually implemented. ***Priority should be given to developing, promoting and encouraging measures and incentives that aim to avoid unwanted catches in the first place.*** [Am. 22]

(18a) ***The obligation to land all catches should be introduced on a fisheries-by-fisheries base. Fishermen should be allowed to continue discarding species which, according to the best available scientific advice, have a high survival rate when released into the sea under conditions defined for a given fishery.*** [Am. 23]

- (18b) *In order to make the obligation to land all catches workable and to mitigate the effect of varying yearly catch compositions, Member States should be allowed to transfer quotas between years, up to a certain percentage. [Am. 24]*
- (19) Landings of unwanted catches should not result in full economic advantages for the operator. For landings of catches of fish under the minimum conservation reference size, the destination of such catches should be limited and exclude sale for human consumption. *Each Member State should be able to decide whether it wants to allow the fish landed to be distributed free for beneficial or charitable purposes. [Am. 25]*
- (20) For the sake of conservation of stocks *and the adaptability of fleets and fisheries*, clear objectives should be applied with respect to certain technical measures, *and levels of governance should be tailored to management requirements. [Am. 26]*

- (21) For stocks for which no multi-annual plan has been established, exploitation rates delivering maximum sustainable yield should be ensured by setting catch and/or fishing effort limits. *If insufficient data is available, fisheries should be managed by using proxy standards.* [Am. 27]
- (21a) *The Union should increase its efforts to achieve effective international cooperation and stock management in seas which are bordered by both Member States and third countries, providing for the creation, where appropriate, of regional fisheries management organisations for such areas. In particular, the Union should advocate the creation of a Regional Fisheries Management Organisation for the Black Sea.* [Am. 28]
- (22) In view of the precarious economic state of *part of* the fishing industry and the dependence of certain coastal communities on fishing activities, it is necessary to ensure the relative stability of fishing activities by allocating fishing opportunities among Member States, based on a predictable share of stocks for each Member State. [Am. 29]

(23) Such relative stability of fishing activities, given the temporary biological situation of stocks, should safeguard the particular needs of regions where local communities are especially dependent on fisheries and related activities as decided by the Council in its Resolution of 3 November 1976, on certain external aspects of the creation of a 200-mile fishing zone in the Community¹ with effect from 1 January 1977, and in particular Annex VII thereto. Therefore, it is in this sense that the concept of relative stability aimed at should be understood.

¹ OJ C 105, 7.5.1981, p. 1.

- (24) Member States should be in a position to present substantiated requests to the Commission to draw up measures under the Common Fisheries Policy for measures identified by Member States as necessary to comply with obligations as regards Special Protection Areas pursuant to Article 4 of Council Directive 2009/147/EC of 30 November 2009 on the conservation of wild birds¹, Special Areas of Conservation pursuant to Article 6 of Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora² and marine protected areas pursuant to Article 13(4) of Directive 2008/56/EC .
- (25) The Commission, *after consulting the Advisory Councils and Member States concerned*, should be able to adopt temporary measures in the event of a serious threat, requiring immediate action, to the conservation of marine biological resources or to the marine ecosystem resulting from fishing activities. *These measures should be established within defined timescales and should be operational for a fixed period of time.* [Am. 30]

¹ OJ L 20, 26.1.2010, p. 7.

² OJ L 206, 22.7.1992, p. 7.

- (26) Member States, *after duly taking into account the views of relevant Advisory Councils and stakeholders*, should be able to adopt conservation measures and technical measures for the implementation of the Common Fisheries Policy to allow for the policy to better address the realities and specificities of *the various sea basins and the* individual fisheries and to increase the adherence to the policy. [Am. 31]
- (26a) *Member States should be encouraged to cooperate with one another on a regional basis.* [Am. 32]
- (27) In their 12 nautical mile zone, Member States should be allowed to adopt conservation and management measures applicable to all Union fishing vessels, provided that, where such measures apply to Union fishing vessels from other Member States, the measures adopted are non-discriminatory, prior consultation of other interested Member States has taken place and that the Union has not adopted measures specifically addressing conservation and management within that 12 nautical mile zone.

(28) Member States should be allowed to adopt conservation and management measures for stocks in Union waters applicable solely to Union fishing vessels flying their flag.

(28a) Access to the fishery should be based on transparent and objective environmental and social criteria, as a means of promoting responsible fishing which would serve to ensure that those operators who fish in the least environmentally damaging way and provide the greatest benefits for society are encouraged. [Am. 234]

~~(29) A system of transferable fishing concessions for the majority of managed stocks under the Common Fisheries Policy should be implemented no later than 31 December 2013 for all vessels of 12 meters' length or over and all other vessels fishing with towed gears. Member States may exclude vessels up to 12 meters' length other than vessels using towed gear from transferable fishing concessions. Such a system should contribute to industry induced fleet reductions and improved economic performance while at the same time creating legally secure and exclusive transferable fishing concession of a Member State's annual fishing opportunities. Since marine biological resources are a common good, transferable fishing concessions should only establish user entitlements to a Member State's part of annual fishing opportunities which may be recalled according to established rules. [Am. 33]~~

(29a) In accordance with the subsidiarity principle, each Member State should be allowed to choose its method of allocating the fishing opportunities assigned to it without an allocation system being imposed at Union level. In this way, Member States will remain free to establish, or not to establish, a system of transferable fishing concessions.

[Am. 37]

~~(30) Fishing concessions should be transferable and leasable in order to decentralise management of fishing opportunities towards the fishing industry and ensuring that fishers leaving the industry will not need to rely on public financial assistance under the Common Fisheries Policy. [Am. 35]~~

~~(31) Specific characteristics and socio-economic vulnerability of some small-scale fleets justify the limitation of the mandatory system of transferable fishing concessions to large vessels. The system of transferable fishing concessions should apply to stocks for which fishing opportunities are allocated. [Am. 36]~~

- (31a) The Commission should assess the fishing fleet in order to obtain credible data concerning the precise level of overcapacity at Union level, thereby making it possible to propose appropriate and targeted instruments for its reduction. [Am. 34]*
- (31b) A binding system should be established to evaluate fleet registers and to verify capacity ceilings, in order to ensure that each Member State respects the capacity ceilings assigned to it and to strengthen the fisheries control system so that fishing capacity is aligned with the resources available. [Am. 38]*

- (32) ~~For Union fishing vessels not operating under a system of transferable fishing concessions,~~***In some cases, Member States still need to take*** specific measures ~~may be~~ taken to align the number of Union ***their*** fishing vessels ***capacity*** with ***the*** available resources. Such measures should set compulsory maximum fleet capacity ceilings and ~~establish national entry/exit schemes in relation to decommissioning funding granted under the European Fisheries Fund.~~ ***Capacity should therefore be assessed for each stock and basin in the Union. This assessment should be based on common guidelines. Each Member State should be able to choose the measures and instruments which it wishes to adopt in order to reduce excessive fishing capacity.*** [Am. 39]
- (33) Member States should record the minimum information on characteristics and activities of Union fishing vessels flying their flag. Those records should be made available to the Commission for the purpose of monitoring the size of Member States' fleets.

- (34) Fisheries management based on ~~the best available~~ **full and accurate** scientific advice requires harmonised, reliable and accurate data sets. Therefore Member states should collect data on fleets and their fishing activities, in particular biological data on catches, including discards, survey information on fish stocks and on the potential environmental impact of fishing activities on the marine ecosystem. ***The Commission should foster the necessary conditions for data harmonisation so as to promote an ecosystem-based interpretation of resources.*** [Am. 40]
- (35) Data collection should include data which facilitate the economic assessment of ***all*** undertakings active in the fisheries sector, in aquaculture and in the processing of fisheries and aquaculture products, ***regardless of their size***, and of employment trends in these industries, ***as well as data on the impact of such developments on fishing communities.*** [Am. 41]

- (36) Member States should manage and make available to end-users of scientific-data the collected data, on the basis of a multi-annual Union program, ***supplying the relevant results to stakeholders. Regional authorities should be involved more actively in data collection activities.*** Member States should also cooperate with each other to coordinate data collection activities. Where relevant, Member States should also cooperate with third countries ~~within the same sea basin~~ regarding data collection, ***where possible acting through a regional body established for this purpose, bearing in mind the need to comply with international law, and in particular Unclos.*** [Am. 42]
- (37) Policy-oriented fisheries science should be reinforced by means of nationally-adopted fisheries scientific data collection, ***independent*** research and innovation programs in coordination with other Member States as well as by Union research and innovation framework tools, ***and by the necessary data harmonisation and systematisation that the Commission is to carry out.*** [Am. 43]

- (38) The Union should promote the objectives of the Common Fisheries Policy internationally. To this end, the Union should strive to improve the performance of regional and international organisations in *the* conservation and *the sustainable* management of international fish stocks, by promoting decision-making based on science ~~and~~, improved compliance, increased transparency ~~and~~, *ensuring effective* stakeholder participation, and by combating illegal, unreported and unregulated (IUU) fishing activities. [Am. 44]
- (39) Sustainable fisheries agreements concluded with third countries should ensure that Union fishing activities in third country waters are based on the best available scientific advice, ensuring *the* sustainable exploitation *and the conservation* of the marine biological resources, *while respecting the principle of surplus referred to in Unclos*. Those agreements, which provide for access rights in exchange for a financial contribution from the Union, should contribute to the establishment of a high quality *scientific data collection system and of a high quality* governance framework to ensure in particular efficient monitoring, control and surveillance measures. [Am. 45]

- (40) The introduction of a human rights clause in sustainable fisheries agreements should be fully consistent with the overall Union development policy objectives.
- (41) Respect for democratic principles and human rights, as laid down in the Universal Declaration of Human Rights and other relevant international human rights instruments, and for the principle of the rule of law, should constitute an essential element of Sustainable Fisheries Agreements and be subject to a specific human rights clause.
- (41a) In view of the serious piracy problem affecting those Union vessels fishing in third countries under bilateral or multilateral agreements and in view of the particular vulnerability of such vessels to piracy, measures and operations should be strengthened in order to protect them. [Am. 46]***

- (42) Aquaculture should contribute to the preservation of the food production potential on a sustainable basis throughout the Union so as to guarantee long-term food security ***including food supplies, as well as growth and employment*** for European citizens and to contribute to the growing world aquatic food demand. [Am. 47]
- (43) The Commission's Strategy for the Sustainable Development of European Aquaculture¹ adopted in 2009, which was welcomed and endorsed by the Council and welcomed by the European Parliament, noted the need for the creation and promotion of a level-playing field for aquaculture as the basis for its sustainable development.
- (44) The Common Fisheries Policy should contribute to Europe 2020 Strategy for smart, sustainable and inclusive growth, and help achieve the objectives set out in that strategy².

¹ COM(2009)0162.

² COM(2010)2020.

- (45) Aquaculture activities in the Union are influenced by different conditions across national borders, including as regards authorisations for the operators, Union strategic guidelines for national strategic plans should be developed to improve the competitiveness of the aquaculture industry, supporting its development and innovation, and encouraging economic activity, diversification and improving the quality of life in coastal and rural areas, as well as mechanisms to exchange among Member States information and best practices through an open method of coordination of national measures concerning business security, access to Union waters and space, and administrative simplification of licensing.
- (46) The specific nature of aquaculture requires an Advisory Council for stakeholder consultation on elements of Union policies which could affect aquaculture.

(46a) *In view of the special characteristics of the outermost regions, particularly their geographical remoteness and the importance of fishing to their economies, an Advisory Council should be set up for the outermost regions, divided into three sections covering the West Atlantic, East Atlantic and the Indian Ocean sea basins. One of the aims of that Advisory Council should be to contribute to measures against illegal, undeclared and unmanaged fishing worldwide. [Am. 48]*

(47) There is a need to strengthen the competitiveness of the Union fishery and aquaculture sector, and a call for simplification in support of better management of production and marketing activities of the sector. ***In doing so it is necessary to ensure reciprocity in trade with third countries so as to create a level playing field on the Union market, not just as regards the sustainability of fisheries, but also as regards health checks***; the Common Market Organisation for fishery and aquaculture products should ensure a level-playing field for all fishing and aquaculture products marketed, ***regardless of whether these products originate in the Union or in third countries***, should enable consumers to make better informed choices ~~and~~ ***based on traceability, should*** support responsible consumption, and should improve the economic knowledge and understanding of the Union markets along the supply chain. ***The part of this Regulation concerning the Common Market Organisation should include provisions making imports of fisheries and aquaculture products subject to compliance with internationally recognised social and environmental standards.*** [Am. 49]

- (48) The Common Market Organisation should be implemented in compliance with international commitments of the Union, in particular with regard to the provisions of the World Trade Organisation. The success of the common fisheries policy requires an effective system of control, inspection and enforcement, including the fight against IUU fishing activities. *A Consequently, existing legislation in this area should be implemented effectively and a* Union system for control, inspection, and enforcement should be established so as to ensure compliance with the Common Fisheries Policy's rules. **[Am. 50]**
- (49) The use of modern, *effective* technologies should be promoted in the framework of the Union system for control, inspection, and enforcement. Member States or the Commission should have the possibility to conduct pilot projects on new control technologies and data management systems. **[Am. 51]**

(50) To ensure the involvement of concerned operators in the Union system for control, inspection, and enforcement, Member States should be able to require ~~the holders of a fishing licence of Union fishing vessels of 12 meters length over all or more flying their flag~~ *their operators* to contribute proportionally to the *operational* costs of that system.

[Am. 196]

(51) The objectives of the Common Fisheries Policy cannot be sufficiently achieved by Member States given the problems encountered in the development of the fishing industry and its management, and the limits on the financial resources of the Member States. Therefore, to contribute to the achievement of those objectives, multiannual Union financial assistance should be granted, focused on the priorities of the Common Fisheries Policy *and tailored to the specific features of the fishing industry in individual Member States*. **[Am. 52]**

(51a) *Union financial assistance should facilitate the development of public goods and services in the fisheries sector, and in particular support control and monitoring measures, information gathering, research and the development of activities aimed at ensuring a healthy marine ecosystem. [Am. 245]*

(52) Union financial assistance should be made conditional upon compliance by Member States and operators, ***including vessel owners***, with the Common Fisheries Policy. Thus such financial assistance should be interrupted, suspended or corrected in cases of non-compliance with the rules of Common Fisheries Policy by Member States and serious infringements of those rules by operators. **[Am. 53]**

- (53) Dialogue with stakeholders has proven essential for the achievement of the objectives of the Common Fisheries Policy. Taking into account the diverse conditions throughout Union waters and increased regionalisation of the Common Fisheries Policy, Advisory Councils should enable the Common Fisheries Policy to benefit from the knowledge and experience of all stakeholders, *particularly in the drafting of the multiannual plans*. [Am. 54]
- (54) ~~It appears appropriate that the Commission be empowered by delegated acts to create~~ *In view of the special characteristics of the outermost regions, of aquaculture and inland fishing, of markets and of the Black Sea, it is appropriate to establish* a new Advisory Council ~~and to modify areas of competence of existing ones, in particular considering the specificities of the Black Sea~~ *for each of them*. [Am. 55]

(55) To achieve the objectives of the Common Fisheries Policy, the power to adopt acts in accordance with Article 290 TFEU should be delegated to the Commission for the purpose of specifying fishing-related measures to alleviate the impact of fishing activities in special areas of conservation *alleviating, where imperative grounds of urgency so require, a serious threat to the conservation of marine biological resources, or to the marine ecosystem*, adaptation of the obligation to land all catches for the purpose of complying with the Union's international obligations, default conservation measures in the framework of multiannual plans or technical measures, ~~the recalculation of fleet capacity ceilings~~, definition of information on characteristics and activity for Union fishing vessels, rules for carrying out pilot projects on new control technologies and data management systems; ~~amendments to Annex III in relation to the areas of competence for Advisory Councils and the composition and functioning of Advisory Councils.~~ **[Am. 56]**

- (56) It is of particular importance that the Commission carry out appropriate consultations during its preparatory work for the adoption of delegated acts, including at expert level.
- (57) The Commission, when preparing and drawing-up delegated acts, should ensure a simultaneous, timely and appropriate transmission of relevant documents to the European Parliament and Council.
- (58) In order to ensure uniform conditions for the implementation of technical operational requirements for the modalities for transmission of information related to fishing fleet registers and to data requirements for fisheries management, implementing powers should be conferred on the Commission. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers¹.

¹ OJ L 55, 28.2.2011, p. 13.

(59) To achieve the basic objective of the Common Fisheries Policy, namely to provide long-term sustainable environmental, economic and social conditions for the fishing and aquaculture sectors, and to contribute to the availability of food supplies, it is necessary ~~and appropriate~~ to lay down rules on the conservation and exploitation of marine biological resources ***and rules that ensure the economic and social sustainability of the Union fishing and shell-fishing sector, where appropriate, providing sufficient funding.***
[Am. 57]

(60) In accordance with the principle of proportionality as set out in Article 5 of the Treaty on European Union, this Regulation does not go beyond what is necessary to achieve that objective.

- (61) Council Decision 2004/585/EC of 19 July 2004 establishing Regional Advisory Councils under the Common Fisheries Policy¹ should be repealed upon entry in force of the corresponding rules pursuant to this Regulation.
- ~~(62) Regulation (EC) No 199/2008 of 25 February 2008 concerning the establishment of a Community framework for the collection, management and use of data in the fisheries sector and support scientific advice regarding the common fisheries policy² should be repealed, but should continue to apply to the national programmes adopted for the collection and management of data for the years 2011—2013. [Am. 58]~~
- (63) By reason of the number and importance of the amendments to be made, Council Regulation (EC) No 2371/2002 should be repealed,

HAVE ADOPTED THIS REGULATION:

¹ OJ L 256, 3.8.2004, p. 17.

² ~~OJ L 60, 5.3.2008, p. 1.~~

PART I
GENERAL PROVISIONS

Article 1
Scope

1. The Common Fisheries Policy shall cover:
 - (a) ~~the conservation, management and exploitation of marine biological resources;~~ and ***the sustainable exploitation and management of fisheries targeting such resources;***
 - (b) fresh water biological resources, aquaculture, and the processing and marketing of fisheries and aquaculture products, in relation to measures on markets and financial measures in support of the Common Fisheries Policy, ***structural measures and the management of the fleet capacity;***
 - (ba) the social and economic viability of fishing activities, the promotion of employment in, and the development of, coastal communities and the specific problems of small scale and artisanal fishing and aquaculture. [Am. 59]***

2. The Common Fisheries Policy shall cover the activities referred to in paragraph 1 where they are carried out:
- (a) on the territory of Member States; or
 - (b) in Union waters, including by fishing vessels flying the flag of, and registered in, third countries; or
 - (c) by Union fishing vessels outside Union waters; or
 - (d) by nationals of Member States, without prejudice to the primary responsibility of the flag State.

Article 2
General Objectives

1. The Common Fisheries Policy shall ensure that fishing and aquaculture activities ~~provide long-term sustainable environmental~~, ***are environmentally sustainable in the long-term and are managed in a way that is consistent with the objectives of achieving*** economic and, social conditions and contribute ***and employment benefits, of contributing*** to the availability of food supplies ***and recreational fishing opportunities, and of allowing for processing industries and land-based activities directly linked to fishing activities, while taking into account the interests of both consumers and producers.***

2. The Common Fisheries Policy shall apply the precautionary approach to fisheries management, and shall ~~aim to ensure~~ ***that***, by 2015, ~~that exploitation of living marine biological resources restores and maintains populations of harvested species above levels which can produce~~ ***fishing mortality rates are set at levels that should allow fish stocks to recover, by 2020 at the latest, above levels that are capable of producing*** the maximum sustainable yield ***and that should allow all recovered stocks to be maintained at these levels.***

3. The Common Fisheries Policy shall implement the ecosystem-based approach to fisheries management *and aquaculture* to ensure that ~~the impacts of fishing~~ *and aquaculture contribute to the objective of minimising the impact of human* activities on the marine ecosystem ~~are limited~~, *that they do not contribute to the degradation of the marine environment and that they are effectively tailored to individual fisheries and regions.*
- 3a. *The Common Fisheries Policy shall promote the sustainable development and the well-being of coastal communities, and the employment, the working conditions, and the safety of fishing operators.*
4. The Common Fisheries Policy shall ~~integrate~~ *be consistent with* the Union's environmental legislation ~~requirements~~ *as well as with other Union policies.*
- 4a. *The Common Fisheries Policy shall ensure that the fishing capacity of the fleets is aligned with exploitation levels that comply with paragraph 2.*
- 4b. *The Common Fisheries Policy shall contribute to the collection of comprehensive and credible scientific data.* [Am. 60]

Article 3
Specific objectives

For the purpose of achieving the general objectives set out in Article 2, the Common Fisheries Policy shall in particular:

- (a) ***prevent, minimise and as far as possible*** eliminate unwanted catches of commercial stocks ~~and gradually ensure that all catches of such stocks are landed;~~
- (aa) ***ensure that all catches of harvested and regulated stocks are landed, taking the best scientific advice into account, and avoiding the creation of new markets or expanding existing ones;***
- (b) provide conditions for efficient ***environmentally sustainable*** fishing activities ~~within~~ ***in the Union to restore*** an economically viable and competitive fishing industry, ***ensuring fair conditions within the internal market;***

- (c) promote the development of ~~Union~~ aquaculture activities ~~to~~ **and of the industries linked to them, ensuring that they are environmentally sustainable and that they** contribute to food security and employment in coastal and rural areas;
- (d) ***promote an equitable distribution of marine resources in order to*** contribute to a fair standard of living for those who depend on fishing activities;
- (e) take into account the interests of consumers;
- (f) ensure systematic ~~and~~, harmonised, ***regular and reliable*** data collection and ***transparent data*** management ***and address the issues arising from data-poor stock management***;
- (fa) promote small-scale coastal fishing activities***;
- (fb) contribute to the achievement and maintenance of good environmental status as set out in Article 1(1) of Directive 2008/56/EC. [Ams 61 and 235]***

Article 4

Principles of good governance

The Common Fisheries Policy shall be guided by **apply** the following principles of good governance:

- (a) clear definition of responsibilities at the Union, **regional**, national, ~~regional~~ and local levels, **respecting the constitutional arrangements of each Member State**;
- (aa) the need to take a decentralised and regionalised approach to fisheries management**;
- (b) establishment of measures in accordance with the best available scientific advice;
- (c) a long-term perspective;
- (ca) the reduction of administrative costs**;
- (d) ~~broad~~ **the appropriate** involvement of stakeholders, **in particular of Advisory Councils and social partners**, at all stages - from conception to implementation - of the measures, **that ensures that regional special characteristics are preserved, through a regionalised approach**;

- (e) the primary responsibility of the flag State;
- (f) consistence with the integrated maritime policy, and with other Union policies;
- (fa) the need to carry out environmental and strategic impact assessments;*
- (fb) the parity between the internal and external dimension of the Common Fisheries Policy, such that standards and enforcement mechanisms applied within the Union are also applied externally, when applicable;*
- (fc) transparent data-handling and decision-making in accordance with the Convention of the United Nations Economic Commission for Europe on access to information, public participation in decision-making and access to justice in environmental matters ('the Aarhus Convention'), approved on behalf of the Union by Council Decision 2005/370/EC¹. [Ams 62 and 220]*

¹ *OJ L 124, 17.5.2005, p. 1.*

Article 5
Definitions

For the purpose of this Regulation the following definitions shall apply:

- (1) 'Union waters' means the waters *and the seabeds* under the sovereignty or jurisdiction of the Member States with the exception of ~~the waters~~ *those* adjacent to the territories listed in Annex II to the Treaty; **[Am. 63]**
- (2) 'marine biological resources' means available and accessible living marine aquatic species, including anadromous and catadromous species through all stages of their life cycle;
- (3) 'fresh water biological resources' means available and accessible living fresh water aquatic species;
- (4) 'fishing vessel' means any vessel equipped for commercial fishing of marine biological resources;

- (5) 'Union fishing vessel' means a fishing vessel flying the flag of a Member State and registered in the Union;
- (5a) *'fishermen' means any person engaging in professional fishing, as recognised by a Member State, on board an operational fishing vessel or engaging in the professional harvesting of marine organisms, as recognised by the Member State, without a vessel; [Am. 64]*
- (5b) *'entry to the fishing fleet' means registration of a fishing vessel in the fishing vessel register of a Member State; [Am. 65]*
- (6) 'maximum sustainable yield' means the ~~maximum catch~~ *highest theoretical equilibrium yield* that ~~may~~ *can* be *continuously* taken (*on average*) from a fish stock ~~indefinitely~~ *under existing (average) environmental conditions without significantly affecting the reproduction process; [Am. 66]*

- (6a) *'harvested species' means species subject to fishing pressure/exploitation, including species caught as by-catch or affected by a fishery but not landed; [Am. 67]*
- (7) 'precautionary approach to fisheries management', *as referred to in Article 6 of the UN Fish Stocks Agreement*, means an approach according to which the absence of adequate scientific information should not justify postponing or failing to take management measures to conserve target species, associated or dependent species and non-target species and their environment; **[Am. 68]**

- (8) 'ecosystem-based approach to fisheries management' means an approach ensuring that ~~benefits from living aquatic resources are high while the direct and indirect impacts of fishing operations on marine ecosystems are low and not detrimental to the future functioning, diversity and integrity of those ecosystems~~ ***decision-making considers the impacts of fishing, other human activities and environmental factors on target stocks and all other species belonging to the same ecosystem or associated with or dependent upon the target stocks, ensuring that the collective pressure of such activities is kept within levels that are compatible with the achievement of good environmental status;*** [Am. 237]
- (9) 'fishing mortality rate' means ~~the catches of a stock over a given period as a proportion of the average stock available to the~~ ***rate at which biomass and individuals of species are removed from a stock by means of fishery in that period activities;*** [Am. 70]
- (9a) ***'FMSY' means the fishing mortality rate that is consistent with achieving the maximum sustainable yield;*** [Am. 71]

- (10) 'stock' means a marine biological resource ~~with distinctive characteristics~~ that occurs in a given management area; [Am. 72]
- (11) 'catch limit' means a quantitative limit on ~~landings~~ *the catches* of a fish stock or group of fish stocks over a given period; [Am. 73]
- (11a) *'unwanted catches' means catches of species below minimum conservation reference size or minimum landing size, or catches of prohibited or protected species, or of non-marketable species or individuals of marketable species which do not meet the requirements specified in the provisions of Union fisheries legislation laying down technical, monitoring and conservation measures;* [Am. 74]
- (12) 'conservation reference point' means values of fish stock population parameters (such as biomass (*B*), *spawning stock biomass (SSB)* or fishing mortality rate (*F*)) used in fisheries management *to define*, for example ~~with respect to~~, an acceptable level of biological risk or a desired level of yield; [Am. 75]

- (12a) *'limit reference point' means values of fish stock population parameters (such as biomass or fishing mortality rate) used in fisheries management to indicate a threshold above or below which fisheries management is consistent with a management objective such as an acceptable level of biological risk or a desired level of yield; [Am. 76]*
- (12b) *'stock within safe biological limits' means a stock with a high probability that its estimated spawning biomass at the end of the previous year is higher than the limit biomass reference point (Blim) and its estimated fishing mortality rate for the previous year is less than the limit fishing mortality rate reference point (Flim); [Am. 77]*
- (13) 'safeguard' means a precautionary measure designed to ~~or prevent~~ *avoid* something undesirable occurring; [Am. 78]

- (14) 'technical measures' means the measures that regulate the species composition, size composition of catches and impacts on components of the ecosystems ***or their functioning*** resulting from fishing activities ~~through~~ ***by*** imposing conditions concerning the use and ~~structure~~ ***characteristics*** of fishing gear and ~~restriction~~ ***by imposing time or space-related restrictions*** of access to fishing areas; [Am. 79]
- (14a) ***'essential fish habitats' means fragile marine habitats that need to be protected due to their vital role in meeting the ecological and biological needs of fish species, including spawning, nursery and feeding grounds;*** [Am. 80]
- (14b) ***'fishing protected area' means a geographically defined sea area in which all or certain fishing activities are temporarily or permanently banned or restricted in order to improve the exploitation and conservation of living aquatic resources or the protection of marine ecosystems;*** [Am. 81]

- (15) 'fishing opportunity' means a quantified legal entitlement to fish *a certain fish stock*, expressed in terms of *maximum* catches and/or *maximum* fishing effort and conditions functionally linked thereto which are necessary to quantify them at a certain level *for a given management area*; [Am. 82]
- (16) 'fishing effort' means the product of the capacity and the activity of a fishing vessel; for a group of fishing vessels it is the sum of the fishing effort of all vessels in the group;
- ~~(17) 'transferable fishing concessions' means revocable user entitlements to a specific part of fishing opportunities allocated to a Member State or established in management plans adopted by a Member State in accordance with Article 19 of Regulation (EC) No 1967/2006[†], which the holder may transfer to other eligible holders of such transferable fishing concessions; [Am. 83]~~

[†] OJ L 409, 30.12.2006, p. 11.

- (18) ~~'individual fishing opportunities' means annual fishing opportunities allocated to holders of transferable fishing concessions in a Member State on the basis of the proportion of fishing opportunities pertaining to that Member State; [Am. 84]~~
- (19) 'fishing capacity' means ***the ability of a vessel to catch fish, measured in terms of vessel characteristics, including*** a vessel's tonnage in GT (Gross Tonnage) ~~and~~, its power in kW (Kilowatt) as defined in Articles 4 and 5 of Council Regulation (EEC) No 2930/86 of 22 September 1986 defining characteristics for fishing vessels¹, ***as well as the character and size of its fishing gears and any other parameter that affects its ability to catch fish;***
[Am. 85]
- (19a) ***'living capacity' means the areas on board intended solely to provide a living and resting space for the crew;*** [Am. 86]
- (20) 'aquaculture' means the rearing or cultivation of aquatic organisms using techniques designed to increase the production of the organisms in question beyond the natural capacity of the environment, ~~where the organisms remain the property of a natural or legal person throughout the rearing and culture stage, up to and including harvesting;~~ [Am. 87]

¹ OJ L 274, 25.9.1986, p. 1.

- (21) 'fishing licence' means a licence as referred to in Article 4(9) of Council Regulation (EC) No 1224/2009 of 20 November 2009 establishing a Community control system for ensuring compliance with the rules of the Common Fisheries Policy¹;
- (22) 'fishing authorisation' means an authorisation as referred to in Article 4(10) of Regulation (EC) No 1224/2009;
- (23) 'fishing' means the collection or capture of aquatic organisms living in their natural environment, or the intentional use of any means allowing such collection or capture;
- (24) 'fishery products' means the aquatic organisms resulting from any fishing activity;
- (25) 'operator' means the natural or legal person who operates or holds any enterprise carrying out any of the activities related to any stage of production, processing, marketing, distribution and retail chains of fisheries and aquaculture products, ***or any other organisation representing fisheries professionals which is legally recognised and is in charge of managing access to fisheries resources, professional fisheries activities and aquaculture***; [Am. 88]

¹ OJ L 343, 22.12.2009, p. 1.

- (26) 'serious infringement' means an infringement as defined in Article 42(1) of Council Regulation (EC) No 1005/2008 of 29 September 2008 establishing a Community system to prevent, deter and eliminate illegal, unreported and unregulated fishing¹ and in Article 90(1) of Regulation (EC) No 1224/2009;
- (27) 'end-user of scientific data' means a **research** body ~~with a research or management~~, **or a management body with an** interest in the scientific analysis of data in the fisheries sector; **[Am. 89]**
- (28) 'surplus of allowable catch' means that part of the allowable catch which a coastal State does not have the capacity to ~~harvest~~ **fish during a given period of time, resulting in an overall exploitation rate for individual stocks that remains below levels at which stocks are capable of restoring themselves and maintaining populations of harvested species above levels which can produce the maximum sustainable yield;** **[Am. 90]**
- (29) 'aquaculture products' mean the aquatic organisms at any stage of their life cycle resulting from any aquaculture activity;

¹ OJ L 286, 29.10.2008, p. 1.

- (30) 'spawning stock biomass' means an estimate of the mass of the fish of a particular resource that ~~reproduces~~ **are sufficiently mature to reproduce** at a defined time, ~~including both males and females and including fish that reproduce viviparously;~~ [Am. 91]
- (31) 'mixed fisheries' means fisheries ~~where~~ **in which** more than one species ~~are~~ **is** present in ~~the area being fished~~ **a given area** and ~~are vulnerable to being~~ **may be** caught in the fishing gear **in the same catch;** [Am. 92]
- (32) 'sustainable fisheries agreements' mean international agreements concluded with another state for the purpose of obtaining access to resources or waters **in order to sustainably exploit a share of the surplus of marine biological resources** in exchange for financial compensation from the Union, **to support the local fishing sector, with a particular emphasis on scientific data collection, monitoring and control, or for the purpose of obtaining reciprocal access to resources or waters by an exchange of fishing opportunities between the Union and the third country;** [Am. 93]

- (32a) *'by-catch' means the capture of any non-target organism, regardless of whether it is retained and landed or discarded; [Am. 95]*
- (32b) *'catch' means any marine biological resources that are captured by fishing; [Am. 96]*
- (32c) *'low impact fishing' means utilising selective fishing techniques, which have a minimal detrimental impact on marine ecosystems and result in low fuel emissions; [Am. 97]*
- (32d) *'selective fishing' means fishing with fishing methods or fishing gears that target and capture organisms by size and species during the fishing operation, allowing non-target species to be avoided or released unharmed; [Am. 98]*

PART II
ACCESS TO WATERS

Article 6

General rules on access to waters

1. Union fishing vessels shall have equal access to waters and resources in all Union waters other than those referred to in paragraphs 2 and 3, subject to the measures adopted under Part III.

2. In the waters up to 12 nautical miles from baselines under their sovereignty or jurisdiction, Member States shall be authorised from 1 January 2013 to 31 December 2022 to restrict fishing to fishing vessels that traditionally fish in those waters from ports on the adjacent coast, without prejudice to the arrangements for Union fishing vessels flying the flag of other Member States under existing neighbourhood relations between Member States and the arrangements contained in Annex I, fixing for each Member State the geographical zones within the coastal bands of other Member States where fishing activities are pursued and the species concerned. ***Member States may provide for exclusive or preferential access for small scale, artisanal or coastal fishermen, taking into account social and environmental factors including the potential benefits to be derived from awarding exclusive or preferential access for local or micro businesses and for fishermen pursuing selective and low-impact fishing practices.*** Member States shall inform the Commission of the restrictions put in place under this paragraph. [Am. 251]

3. In the waters up to 100 nautical miles from the baselines of the Azores, Madeira and the Canary Islands, the Member States concerned may from 1 January 2013 to 31 December 2022 restrict fishing to vessels registered in the ports of those islands. Such restrictions shall not apply to Union vessels that traditionally fish in those waters, in so far as those vessels do not exceed the fishing effort traditionally exerted. Member States shall inform the Commission of the restrictions put in place under this paragraph.
- 3a. ***The status of the existing biologically sensitive area, as defined in Article 6 of Council Regulation (EC) No 1954/2003 of 4 November 2003 on the management of the fishing effort relating to certain Community fishing areas and resources¹, shall be maintained in its current form. [Am. 99]***
4. The provisions which will follow arrangements set out in paragraphs 2 and 3 shall be adopted by 31 December 2022.

¹ ***OJ L 289, 7.11.2003, p. 1.***

PART III
MEASURES FOR THE CONSERVATION *AND SUSTAINABLE EXPLOITATION* OF
MARINE BIOLOGICAL RESOURCES [Am. 100]

TITLE I
TYPES OF MEASURES

Article -7

General provisions on conservation measures

- 1. For the purpose of achieving the general objectives of the Common Fisheries Policy set out in Article 2, the Union shall adopt measures for the conservation and sustainable exploitation of marine biological resources as set out in Articles 7 and 8. They shall, in particular, be adopted in the form of multiannual plans in accordance with Articles 9, 10 and 11.*

2. *Such measures shall comply with the objectives set out in Articles 2 and 3 and shall be adopted taking into account the best available scientific advice and the opinions received from the relevant Advisory Councils.*
3. *Member States shall be empowered to adopt conservation measures in accordance with Articles 17 to 24 and with other relevant provisions of this Regulation. [Am. 101]*

Article 7

Types of conservation measures

Measures for the conservation *and sustainable exploitation* of marine biological resources may include the following:

- (a) adopting multiannual plans under Articles 9 - 11;
- (b) establishing targets for the sustainable exploitation *and conservation* of stocks *and for the protection of the marine environment from the impact of fishing activities*;
- (c) adopting measures for the purpose of adapting the number of fishing vessels and/or types of fishing vessels to available fishing opportunities;
- (d) establishing incentives, ~~including those of an economic nature,~~ to promote more selective ~~or low impact~~ fishing *and fishing methods that have a low impact on the marine ecosystem and fishery resources, including giving preferential access to national fishing opportunities and incentives of an economic nature*;

- (e) *adopting measures on the fixing and the allocation of fishing opportunities, as defined in Article 16;*
- (f) adopting technical measures as referred to in ~~Article~~ *Articles 8 and 14;*
- (g) adopting measures ~~concerning the obligation to land all catches~~ *to achieve the objectives of Article 15;*
- (h) conducting pilot projects on alternative types of fishing management techniques- *and on gears that increase selectivity or that minimise the impact of fishing activities on the marine environment;*
- (ha) *adopting measures which help Member States to fulfil obligations under environmental legislation;*
- (hb) *adopting other measures that contribute to achieving the objectives of Articles 2 and 3.*
[Am. 102]

Article 7a

Establishment of fish stock recovery areas

1. *In order to secure the conservation of living aquatic resources and marine ecosystems, and as part of a precautionary approach, Member States shall establish a coherent network of fish stock recovery areas in which all fishing activities are prohibited, that includes, in particular, areas important for fish reproduction.*
2. *Member States shall identify and designate the areas that are necessary to establish a coherent network of fish stock recovery areas. [Am. 103]*

Article 8

Types of technical measures

Technical measures may include the following:

- (a) ~~mesh sizes~~ **definitions of the characteristics of fishing gears** and rules concerning ~~the~~ **their** use of fishing gears;
- (b) ~~restrictions~~ **specifications** for the construction of fishing gear, including:
 - (i) modifications or additional devices to improve selectivity or to ~~reduce~~ **minimise the negative** impact on the ~~benthic zone~~ **ecosystem**;
 - (ii) modifications or additional devices to reduce the incidental capture of endangered, threatened and protected species, **as well as other unwanted catches**;
- (c) prohibitions of **or restrictions on** the use of certain fishing gears ~~in certain areas or seasons~~ **or of other technical equipment**;

- (d) ~~prohibition~~ **prohibitions of**, or restriction ~~of~~ **on**, fishing activities in certain zones and/or periods;
- (e) requirements for fishing vessels to cease operating in ~~an~~ **a defined** area for a defined minimum period in order to protect ~~a~~ **essential fish habitats**, temporary aggregation **aggregations** of a vulnerable marine resource, **endangered species, spawning fish or juveniles**;
- (f) specific measures to ~~reduce~~ **minimise** the **negative** impact of fishing activities on **marine biodiversity and** marine eco-systems ~~and non-target species~~, **particularly those identified as bio-geographically sensitive such as the seamounts around the outermost regions, the resources of which should be exploited by the local fleet operating selective and environmentally-friendly fishing gear, including measures to avoid, to reduce and, as far as possible, to eliminate unwanted catches.**
- ~~(g) other technical measures aimed at protecting marine biodiversity. [Ams 104 and 295]~~

TITLE II
UNION MEASURES

Article 9

Multiannual plans

1. ~~Multiannual plans providing for~~ ***The European Parliament and the Council, acting in accordance with the ordinary legislative procedure, shall, as a priority and at the latest by... * establish multiannual plans that follow scientific advice from STECF and ICES and that include*** conservation measures to maintain or restore fish stocks above levels capable of producing maximum sustainable yield ~~shall be established as a priority~~ ***in accordance with Article 2(2). Multiannual plans shall also enable other objectives, set out in Articles 2 and 3, to be achieved.***

* ***OJ: please insert the date, four years after the date of entry into force of this Regulation.***

2. Multiannual plans shall provide for:
 - (a) the basis for fixing fishing opportunities for the fish stocks concerned on the basis of predefined conservation reference points; and/or ***limit reference points which shall be consistent with the objectives set out in Article 2 and in accordance with scientific advice; and***
 - (b) measures that are capable of effectively preventing ~~conservation~~ ***limit*** reference points from being transgressed ***and that aim to reach conservation reference points.***
3. Multiannual plans shall, where possible, cover either fisheries exploiting single fish stocks or fisheries exploiting a mixture of stocks, taking due account of interactions between stocks ~~and~~, fisheries ***and marine ecosystems.***
4. Multiannual plans shall be based on the precautionary approach to fisheries management and shall take into account the limitations of the available data and assessment methods, ***including data-poor stock assessments,*** and all quantified sources of uncertainty in a scientifically valid manner. **[Am. 105]**

Article 10

Objectives of multiannual plans

1. Multiannual plans shall provide for ~~adaptations~~ **the adaptation** of the fishing mortality rate, ~~resulting in a rates, so that, by 2015,~~ fishing mortality rate ~~that restores and maintains all stocks~~ **rates are set at levels that should allow fish stocks to recover, by 2020 at the latest,** above levels **that are** capable of producing **the** maximum sustainable yield ~~by 2015~~ **and that should allow all recovered stocks to be maintained at these levels.**
2. In cases where the determination of a fishing mortality rate ~~that restores and maintains stocks above levels capable of producing maximum sustainable yield, as established in paragraph 1,~~ is not possible, multiannual plans shall ~~provide for~~ **apply the** precautionary **approach to fisheries management and shall set out proxy standards and** measures ~~ensuring that ensure at least~~ a comparable degree of conservation of the relevant stocks.

- 2a. *Without prejudice to the provisions of paragraphs 1 and 2, the measures to be included in multiannual plans, and the calendar for implementing them, shall be proportionate to the objectives and targets pursued and to the timeframe envisaged. Before measures are included in the multiannual plans account shall be taken of their likely economic and social impact. Save in urgent cases, such measures shall be implemented gradually.*
- 2b. *Multiannual plans may contain provisions to address the specific problems of mixed fisheries in relation to the maintenance and restoration of stocks above levels capable of producing maximum sustainable yield, where scientific advice indicates that increases in selectivity to avoid the phenomenon of "choke species" cannot be achieved. [Ams 106 and 107]*

Article 11

Content of multiannual plans

1. A multiannual plan shall include:

- (a) the scope, in terms of **geographical area**, stocks, ~~fishery~~ **fisheries** and the marine ~~ecosystem~~ **ecosystems** to which the multiannual plan shall be applied;
- (b) objectives **that are** consistent with ~~the~~ objectives set out in Articles 2 and 3 **and with the relevant provisions of Articles -7a, 9 and 10**;
- (ba) an assessment of fleet capacity and, where there is no effective balance between fishing capacity and the available fishing opportunities, a capacity reduction plan including a timeline and the specific steps to be undertaken by each Member State concerned in order to align such fishing capacity with the available fishing opportunities within a binding timetable; without prejudice to the obligations laid down in Article 34, such assessment should also include an evaluation of the socioeconomic dimension of the fleet being assessed;**

- (bb) an assessment of the socio-economic impact of the measures taken in the multiannual plan;***
- (c) quantifiable targets expressed in terms of:
- (i) fishing mortality rates, and/or
 - (ii) spawning stock biomass, and
 - (iia) maximum percentages of unwanted and unauthorised catches, and***
 - (iib) maximum annual changes in fishing opportunities;***
 - ~~(iii) stability of catches.~~
- (d) clear time frames to reach ***all*** the quantifiable targets;
- (da) provisions to systematically reduce fishing opportunities when the quality or quantity of data available from the fishery declines;***

- (e) **conservation and** technical measures ~~including measures concerning the elimination of~~ **to be taken in order to achieve the targets set out in Article 15 and measures designed to avoid and as far as possible eliminate** unwanted catches;
- (f) quantifiable indicators for periodic monitoring and assessment of the progress related to achieving the targets of the multiannual plan **and of its socio-economic impact**;
- (g) **where appropriate**, specific measures and objectives for the freshwater part of the life cycle of anadromous and catadromous species;
- (h) ~~minimisation of impacts~~ **measures for reducing the impact** of fishing on the ecosystem;
- (i) safeguards and criteria activating those safeguards;
- (ia) measures to ensure compliance with the multiannual plan**;
- (j) any other **suitable and proportionate** measures ~~suitable~~ to achieve the objectives of multiannual plans.

- 1a. Multiannual plans shall provide for periodic review for the purpose of assessing the progress made towards reaching their objectives. In particular, such periodic reviews shall take into account new elements, such as changes in the scientific advice, in order to allow for any necessary intermediate adjustments. [Ams 108 and 239]*

Article 12

Compliance with obligations under Union environmental legislation *in relation to protected areas*

1. ~~In special~~ ***The Common Fisheries Policy and all subsequent measures adopted by Member States concerning special areas of conservation shall comply fully with Directive 92/43/EEC, Directive 2009/147/EC and Directive 2008/56/EC. Where a Member State has designated the areas of conservation within the meaning of mentioned in Article 6 of Directive 92/43/EEC, of Article 4 of Directive 2009/147/EC and of Article 13(4) of Directive 2008/56/EC, it shall, in consultation with the Commission, Advisory Councils and other relevant stakeholders, regulate fishing activities shall be conducted by Member States in such a way so as to alleviate the impact from fishing activities in such special areas of conservation in a way that complies fully with the objectives of those Directives. [Am. 109]***

- 1a. *All actions taken by the Union and by Member States under the CFP shall comply fully with the Aarhus Convention, Resolutions 61/105, 64/72 and 66/68 of the General Assembly of the United Nations, and the Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks. [Am. 257]***
- 1b. *For fisheries conducted entirely within waters under the sovereignty and jurisdiction of a single Member State, the Member State concerned shall be empowered to adopt measures that are necessary to comply with its obligations under Union environmental legislation, in relation to protected areas. Such measures shall be compatible with the objectives set out in Article 2 and shall be no less stringent than the existing Union legislation. [Am. 258]***

- 1c. Member States with a direct fishing interest in the areas to be affected by measures referred to in paragraph 1 shall cooperate with one another in accordance with Article 21(1a). Any of those Member States may request that the Commission adopt the measures referred to in paragraph 1. [Am. 111]*
- 1d. In order for the Commission to act upon a request referred to in paragraph 1c, the requesting Member State or Member States shall provide the Commission with all relevant information on the measures requested, including a statement of reasons for the request, as well as scientific data and details concerning the practical implementation of the measures. In adopting the measures, the Commission shall take into account any relevant scientific advice that is available to it. [Am. 260]*

~~2. The Commission shall be empowered to adopt delegated acts in accordance with Article 55, to specify fishing related measures to alleviate the impact of fishing activities in special areas of conservation. [Am. 114]~~

2a. *The European Parliament and the Council, acting in accordance with the ordinary legislative procedure, on a proposal by the Commission, shall adopt measures to reduce the possible negative social and economic consequences of compliance with the obligations referred to in paragraph 1. [Am. 262]*

Article 13

Commission measures in case of a serious threat to marine biological resources

1. ~~On the basis of~~ ***Where there is*** evidence, ***based on reliable scientific data***, of a serious threat to the conservation of marine biological resources, or to the marine eco-system ~~and~~ requiring immediate action, the Commission, ~~upon a reasoned request of a Member State or on its own initiative, may decide on temporary measures~~ ***shall be empowered to adopt delegated acts, in accordance with Article 55***, to alleviate the threat.

Those delegated acts shall be adopted only where imperative grounds of urgency so require and the procedure provided for in Article 55a shall apply.

2. ~~The Member State shall communicate the reasoned request referred to in paragraph 1 simultaneously to the Commission, to the other Member States and to the Advisory Councils concerned.~~ [Am. 115]

Article 13a

Member State emergency measures

1. *If there is evidence that there is a serious and unforeseen threat to the conservation of living aquatic resources, or to the marine ecosystem resulting from fishing activities, in waters falling under the sovereignty or jurisdiction of a Member State and that any undue delay would result in damage that would be difficult to repair, that Member State may take emergency measures, the duration of which shall not exceed three months.*

2. *Member States intending to take emergency measures shall, before adopting them, notify the Commission, the other Member States and the relevant Advisory Councils of their intention to do so by sending a draft of those measures, together with an explanatory memorandum.*

3. *The Member States and the relevant Advisory Councils may submit their written comments to the Commission within five working days of the date of notification. The Commission shall adopt implementing acts confirming, cancelling or amending the measure. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 56(2).*

On duly justified imperative grounds of urgency related to a serious and unforeseeable threat to the conservation of living aquatic resources, or to the marine ecosystem resulting from fishing activities, the Commission shall adopt immediately applicable implementing acts in accordance with the procedure referred to in Article 56(3).

[Am. 116]

Article 14

Technical measures frameworks

Technical measures frameworks to ensure the protection of marine biological resources and the reduction of the impact of fishing activities on fish stocks and on marine eco-systems shall be established. Technical measures frameworks shall:

- (a) contribute to maintaining or restoring fish stocks above levels capable of producing maximum sustainable yield through improvements in size-selection and where appropriate species selection;
- (b) reduce catches of undersized individuals from fish stocks;

- (c) reduce catches of unwanted marine organisms;
- (d) ~~mitigate~~ **minimise** the impact of fishing gear on the ecosystem and the **marine** environment, with particular regard to the protection of biologically sensitive stocks and **fragile** habitats, **especially those habitats identified as bio-geographically sensitive such as the seamounts around the outermost regions, the resources of which are to be exploited, by the local fleet, using selective and environmentally friendly fishing gear.**
[Am. 296]

Article 14a

Avoidance and minimisation of unwanted catches

- 1. Before the introduction of the obligation to land all catches in the respective fishery in accordance with Article 15 , Member States shall, where necessary, conduct pilot projects, based on the best available scientific advice and taking into account the opinions of the relevant Advisory Councils, with the aim of fully exploring all practicable methods for the avoidance, minimisation and elimination of unwanted catches in a fishery. Those pilot projects shall, where appropriate, be conducted, by producer organisations. The results of such pilot projects shall be reflected in the multiannual plan of each fishery in the form of additional incentives to use the most selective gears and fishing methods available. Member States shall also produce a "discard atlas" showing the level of discards in each of the fisheries covered by Article 15(1). That atlas shall be based on objective and representative data.*

2. ***The Union shall provide financial support for the design and implementation of pilot projects introduced in accordance with paragraph 1, as well as for the use of selective gears in order to reduce unwanted and unauthorised catches. When adopting financial support measures, special consideration shall be given to fishermen who are subject to the obligation to land all catches and who operate in a mixed fishery. [Am. 118]***

Article 15

Obligation to land ***and record*** all catches ***of harvested and regulated species***

1. All catches of ~~the following fish stocks subject to catch limits caught~~ ***harvested and regulated species caught in the following fisheries*** during fishing activities in Union waters or by Union fishing vessels outside Union waters shall be brought and retained on board the fishing vessels and recorded and landed, ~~except when used as live bait,~~ in accordance with the following timeframe:

(a) At the latest from 1 January 2014:

- *small pelagic fisheries, i.e. fisheries for* mackerel, herring, horse mackerel, blue whiting, ~~boarfish~~, anchovy, argentine, ~~sardinella~~, ~~capelin~~ *sardine and sprat*;
- *large pelagic fisheries, i.e. fisheries for* bluefin tuna, swordfish, albacore tuna, bigeye tuna, other billfish;
- *fisheries for industrial purposes, inter alia fisheries for capelin, sandeel and Norway pout*;
- *salmon in the Baltic Sea*;

(b) At the latest from ~~1 January 2015: cod, hake, sole;~~ **1 January 2016:**

– ***the following fisheries in Union waters of the Northern Atlantic:***

The North Sea

- ***fisheries for cod, haddock, whiting and saithe;***
- ***fisheries for Norway lobster;***
- ***fisheries for common sole and plaice;***
- ***fisheries for hake;***
- ***fisheries for Northern prawn;***
- ***other fisheries to be further analysed;***
- ***fisheries in the Baltic Sea other than salmon fisheries;***

North Western waters

- *fisheries for cod, haddock, whiting and saithe;*
- *fisheries for Norway lobster;*
- *fisheries for common sole and plaice;*
- *fisheries for hake;*
- *other fisheries to be further analysed;*

South Western waters

- *fisheries for cod, haddock, whiting and saithe;*
- *fisheries for Norway lobster;*
- *fisheries for common sole and plaice;*
- *fisheries for hake;*
- *other fisheries to be further analysed;*

(c) At the latest from 1 January 2016: ~~haddock, whiting, megrim, anglerfish, plaice, ling, saithe, pollack, lemon sole, turbot, brill, blue ling, black scabbard, roundnose grenadier, orange roughy, Greenland halibut, tusk, redfish and Mediterranean demersal stocks~~ *1 January 2017, fisheries not covered by paragraph 1(a) in Union waters and in non-Union waters.*

1a. Once an obligation to land all catches has been introduced in a fishery, all catches of species subject to that obligation shall be recorded and shall, where applicable be subtracted from the quota of the fishermen, producer organisation or collective management pool concerned, with the exception of species which may be released into the sea pursuant to paragraph 1b.

- 1b. *The following species shall be excluded from the landing obligation laid down in paragraph 1:***
- *species captured to be used as live bait;***
 - *species which the available scientific information shows have a high catch survival rate, bearing in mind the nature of the fishing gear, the fishing practices and the circumstances in the fishing area.***
- 1c. *For the purpose of simplifying and harmonising the implementation of the obligation to land all catches and in order to avoid inappropriate disruptions of the target fisheries and to decrease the amount of unwanted catches, the multiannual plans referred to in Article 9 or specific legal acts of the Union on the implementation of the landing obligation or other legal acts of the Union shall, where appropriate, lay down***

- (a) a list of non-target species of low natural abundance which may be counted against the quota of the target species of that fishery where:**
- the national yearly quota for this non-target species is completely utilised;**
 - the accumulated catches of the non-target species do not exceed a 3 % share of the overall catch of the target species; and**
 - the stock of the non-target species is within safe biological limits;**
- (b) rules on incentives to discourage the catching of juvenile fish, including increases in the quota shares to be deducted from a fisherman's quota in the event of catching juveniles.**

2. ~~Minimum conservation reference sizes~~ Based on the best available and most ***accurate and up-to-date*** scientific advice ***and, where necessary, in order to protect juveniles by discouraging fishermen from deliberately fishing for them, minimum conservation reference sizes, reflecting the age and size for first reproduction*** shall be established, for the fish stocks ***which are subject to the obligation to land all catches*** set out in paragraph 1. ~~The sale of~~ Catches of such fish stocks below the minimum conservation reference size shall be restricted ~~for reduction to~~ ***uses other than human consumption, such as fish meal or, fish oil, pet food only or bait. The Member State concerned may also allow such fish to be donated for welfare or charitable purposes.***
3. ***For stocks subject to a landing obligation, Member States may make use of a year-to-year margin of flexibility of up to 5 % of their permitted landings, without prejudice to higher flexibility rates established in specific legislation.*** Marketing standards ***and marketing rules*** for catches of fish caught in excess of fixed fishing opportunities shall ***may*** be established in accordance with Article ~~27~~**39** of Regulation (EU) No .../2013 of the European Parliament and of the Council of ... on the common organisation of the markets in fishery and aquaculture products¹⁺.

¹ OJ L ...

⁺ OJ: Please insert number, date and name of this Regulation (2011/0194(COD)).

4. Member States shall ensure that Union fishing vessels flying their flag are equipped to ensure full documentation of all fishing and processing activities for the purpose of monitoring compliance with the obligation to land all catches. *In doing so, Member States shall respect the principle of efficiency and proportionality.*
5. Paragraph 1 shall be without prejudice to international obligations.
6. The Commission shall be empowered to adopt delegated acts in accordance with Article 55 ~~to specify~~ *laying down* the measures set out in paragraph 1 for the purpose of complying with the Union's international obligations. **[Am. 119]**

Article 16

Fishing opportunities

1. ***When fixing and allocating fishing opportunities, the Council shall act in accordance with Articles 2, 9, 10 and 11, applying a long-term perspective and following the best available scientific advice.*** Fishing opportunities allocated to ~~shall be distributed among~~ Member States ~~shall~~ ***in such a way as to ensure each Member State, for each of them,*** relative stability of fishing activities for each fish stock or fishery. The interests of each Member State shall be taken into account when new fishing opportunities are allocated.

The Council shall establish the fishing opportunities available to third countries in Union waters and allocate those opportunities to these third countries.

The allocation of fishing opportunities to a Member State or a third country shall be conditional upon its compliance with the rules of the Common Fisheries Policy.

- 1a. *When deciding on quota allocations each year, the Council shall take full account of regions where local communities are especially dependent on fisheries and related activities as decided by the Council in its Resolution of 3 November 1976, on certain external aspects of the creation of a 200-mile fishing zone in the Community with effect from 1 January 1977, and in particular Annex VII thereto.*
2. By-catch fishing opportunities may be reserved under the total fishing opportunities.
3. Fishing opportunities shall comply with quantifiable *catch* targets, time frames and margins established *in multiannual plans* in accordance with Article 9(2) and 11(b), (c) and (h). *If no corresponding multiannual plan has been adopted for a commercially used fish stock, the Council shall ensure that, by 2015, total allowable catches (TACs) are set at levels that should allow fish stocks to recover, by 2020 at the latest, above levels that are capable of producing the maximum sustainable yield and that should allow all recovered stocks to be maintained at these levels.*

- 3a. *Delegations from the European Parliament and from the Advisory Councils shall be present when the Council adopts decisions on establishing fishing opportunities.*
- 3b. *Where, for given stocks, it is not possible, owing to a lack of data, to determine exploitation rates that are consistent with the maximum sustainable yield:*
- (i) the precautionary approach shall be applied to fisheries management;*
 - (ii) proxy standards shall be adopted on the basis of the methodologies set out in points 3.1 and 3.2 of Part B of the Annex to Commission Decision 2010/477/EU of 1 September 2010 on criteria and methodological standards on good environmental status of marine waters¹, and fishing mortality shall be further reduced in accordance with the precautionary principle, or kept stable in cases where there are indications that the stock status is satisfactory;*
 - (iii) the Commission and the Member States shall evaluate the obstacles to research and to the acquisition of knowledge and shall take steps to enable additional stock and ecosystem data to be supplied without delay.*

¹ *OJ L 232, 2.9.2010, p. 14.*

- 3c. *Each Member State shall decide on the method to be used for allocating the fishing opportunities assigned to it, to vessels flying its flag, in accordance with Union law. It shall inform the Commission of that allocation method.*
4. Member States may, after notifying the Commission, exchange all or part of the fishing opportunities allocated to them.
- 4a. *Where, as a result of an assessment pursuant to Article 19 or Article 23, the Commission concludes that a Member State has failed to adopt appropriate measures in accordance with Articles 17–24, this shall result in deductions in the following year or years from fishing opportunities allocated by the Union to that Member State and in the interruption or suspension of payments to that Member State or in the application of a financial correction to Union financial assistance under the Common Fisheries Policy pursuant to Article 50. Such measures shall be proportionate to the nature, extent, duration and repetition of the non compliance.*

- 4b. *The Commission shall present to the European Parliament and to the Council an annual report assessing whether current fishing opportunities are proving effective in restoring and maintaining populations of harvested species at levels above those which can produce the target laid down in Article 2(2). [Ams 120, 264, 293 and 301]*

Article 16a

Criteria for Member States' allocation of fishing opportunities

When allocating the fishing opportunities available to them as referred to in Article 16, Member States shall use transparent and objective environmental and social criteria, such as the impact of the fishery on the environment, the history of compliance and the contribution to the local economy. Other criteria such as historic catch levels may also be used. Within the fishing opportunities assigned to them, Member States shall provide incentives to fishing vessels deploying selective fishing gear or using fishing techniques with reduced environmental impact, such as reduced energy consumption or habitat damage. [Am. 227]

TITLE III
REGIONALISATION

CHAPTER I
MULTIANNUAL PLANS

Article 17

Conservation measures adopted in accordance with multiannual plans

1. In a multiannual plan established pursuant to Articles 9, 10 and 11 Member States ~~may~~ ***sharing the fishery concerned shall*** be authorised, ***following the procedures outlined in this Article***, to adopt measures, in accordance with that multiannual plan, which specify the conservation measures applicable to vessels flying their flag in relation to stocks in Union waters for which they have been allocated fishing opportunities.

2. Member States shall ensure that conservation measures adopted pursuant to paragraph 1:
- (a) are compatible with the objectives set out in Articles 2 and 3, ***and with the principles of good governance set out in Article 4;***
 - (b) are compatible with the scope and objectives of the multiannual plan;
 - (c) meet the objectives and quantifiable targets set out in a multiannual plan effectively ***within the timetable specified;*** and
 - (d) are no less stringent than those existing in Union legislation.

2a. Member States shall cooperate with one another to ensure that compatible measures are adopted that will meet the objectives set out in multiannual plans and shall coordinate the implementation of those measures with one another. To this end, Member States shall, where practical and appropriate, use existing regional institutional cooperation structures and mechanisms, including those under the Regional Sea Conventions that cover the relevant area or fishery.

Coordination efforts by Member States sharing a fishery shall be eligible for funding under the European Maritime and Fisheries Fund (EMFF), in accordance with Regulation (EU) No .../2013 of the European Parliament and of the Council of ... on the European Maritime and Fisheries Fund¹⁺.

¹

OJ L ...

⁺

OJ: Please insert number, date and name of this Regulation (2011/0380(COD)).

2b. *Member States shall consult the relevant Advisory Councils as well as ICES and/or STECF by sending them a draft of the measures to be adopted, accompanied by an explanatory memorandum. At the same time, such drafts shall be notified to the Commission and to those other Member States sharing the fishery. Member States shall make every effort to involve in this consultation, at an early stage and in an open and transparent manner, other relevant stakeholders of the fishery concerned, in order to identify the views and proposals of all the relevant parties during the preparation of the measures envisaged.*

Member States shall make available to the public summaries of the draft conservation measures which they propose to enact.

2c. *Member States shall duly take into account the opinions submitted by the relevant Advisory Councils, by ICES and/or by STECF and, where the final measures adopted diverge from these opinions, shall state detailed reasons why they diverge.*

- 2d. Where Member States wish to amend the adopted measures, paragraphs 2–2c shall also apply.*
- 2e. The Commission shall adopt guidelines setting out the details of the procedure to be followed for the application of paragraphs 2a, 2b and 2c, in order to ensure that the adopted measures are coherent, coordinated at regional level and comply with the established multiannual plans. These guidelines may also identify or establish administrative frameworks, such as Regional Fisheries Working Groups, in order to organise, on a practical level, the cooperation between the Member States, notably with a view to promoting and facilitating the adoption of the measures by each of the Member States.*
- 2f. Member States sharing a fishery may agree and cooperate to implement joint measures under the multiannual plans adopted prior to 2014, in accordance with the procedure set out in Article 25.*

2g. *For fisheries conducted entirely within waters under the sovereignty and jurisdiction of a single Member State, the Member State concerned shall create one or more co-management committees including all relevant stakeholders. Such committees shall be consulted concerning the measures to be adopted. If the Member State intends to deviate in any way from the advice it receives from such committees it shall publish an assessment outlining in detail its reasons for deviating from the advice. [Am. 121]*

Article 18

Notification of Member State conservation measures

Member States adopting conservation measures pursuant to Article 17(1) shall ***publish them and*** notify the Commission, other interested Member States and relevant Advisory Councils ~~of such~~ ***measures thereof.*** [Am. 122]

Article 19
Assessment

1. The Commission may at any time assess the compatibility and effectiveness of conservation measures adopted by Member States pursuant to Article 17(4) *and shall, in any event, assess, and report on, those issues not less than once every three years or as may be required by the relevant multiannual plan. The assessment shall be based on the best available scientific advice.*

In accordance with Directive 2007/2/EC of the European Parliament and of the Council of 14 March 2007 establishing an Infrastructure for Spatial Information in the European Community (Inspire)¹ and in order to assist the Commission in its implementation of the Common Fisheries Policy, Member States shall provide the Commission with access and user rights in respect of the material prepared, and the data used, in connection with the formulation and enactment of national conservation measures, adopted pursuant to Article 17.

With regard to access to environmental information, Directive 2003/4/EC² and Regulations (EC) No 1049/2001³ and (EC) No 1367/2006⁴ shall apply. [Am. 123]

¹ OJ L 108, 25.4.2007, p. 1.

² Directive 2003/4/EC of the European Parliament and of the Council of 28 January 2003 on public access to environmental information (OJ L 41, 14.2.2003, p. 26).

³ Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents (OJ L 145, 31.5.2001, p. 43).

⁴ Regulation (EC) No 1367/2006 of the European Parliament and of the Council of 6 September 2006 on the application of the provisions of the Aarhus Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters to Community institutions and bodies (OJ L 264, 25.9.2006, p. 13).

- 1a. The Commission shall publish any assessments carried out according to this Article, and shall make this information publicly available by publishing it on appropriate websites or by providing a direct hyperlink to it. With regard to access to environmental information, Regulations (EC) No 1049/2001 and (EC) No 1367/2006 shall apply.**

[Am. 124]

Article 20

Default conservation measures adopted in the framework of multiannual plans

1. The Commission shall be empowered to adopt delegated acts in accordance with Article 55 to specify the conservation measures for fisheries covered by a multiannual plan, if the Member States authorised to take measures in accordance with Article 17 do not notify such measures to the Commission within ~~three~~ ***the period provided for in the multiannual plan or, failing that, within six*** months after the date of entry into force of the multiannual plan.

2. ~~Where the Commission shall be empowered to adopt delegated acts in accordance with Article 55 to specify conservation measures for fisheries covered by a multiannual plan, if~~ ***is of the opinion that***

- (a) Member State measures are ~~deemed~~ not to be compatible with the objectives of a multiannual plan on the basis of an assessment carried out pursuant to Article 19 or
- (b) Member State measures ~~are deemed~~ ***do*** not to meet the objectives and quantifiable targets set out in multiannual plans effectively, on the basis of an assessment carried out pursuant to Article 19, or
- (c) safeguards established in accordance with Article 11(i) are triggered,

it shall notify the Member State concerned, stating its reasons.

- 2a. *In the event of the Commission delivering an opinion pursuant to paragraph 2, the Member State concerned shall have three months in which to modify its measures in order to make them compatible with the objectives of the multiannual plan and in which to meet those objectives.***
- 2b. *In the event of a Member State failing to modify its measures pursuant to paragraph 2a, the Commission shall be empowered to adopt delegated acts in accordance with Article 55 establishing conservation measures for the fisheries covered by the multiannual plan.***
3. The conservation measures adopted by the Commission shall aim at ensuring that the objectives and targets set out in the multiannual plan are met. Upon the adoption of the delegated act by the Commission, the Member State measures shall cease to be effective.
- 3a. *Prior to adopting the delegated acts referred to in this Article, the Commission shall consult the relevant Advisory Councils as well as ICES and/or STECF on a draft of the measures to be adopted, accompanied by an explanatory memorandum. [Am. 125]***

CHAPTER II
TECHNICAL MEASURES

Article 21
Technical measures

1. In a technical measures framework established pursuant to Article 14 Member States ~~may~~ **shall** be ~~authorised~~ **empowered** to adopt measures, in accordance with that framework, which specify the technical measures applicable to vessels flying their flag in relation to stocks in ~~their~~ **Union** waters for which they have been allocated fishing opportunities. Member States shall ensure that such technical measures:
 - (a) are compatible with the objectives set out in Articles 2 and 3;
 - (b) are compatible with the objectives set out in measures adopted in accordance with Article 14;

- (c) meet the objectives set out in measures adopted in accordance with Article 14 effectively; and
- (d) *do not conflict with and* are no less stringent than those existing in Union legislation.

1a. Member States shall cooperate with one another to ensure that compatible measures are adopted to achieve the objectives set out in technical measures frameworks and shall coordinate the implementation of these measures with one another. To this end, Member States shall, where practical and appropriate, use existing regional institutional cooperation structures and mechanisms, including those under the Regional Sea Conventions that cover the relevant area or fishery.

- 1b. Member States shall consult the relevant Advisory Councils as well as ICES and/or STECF on a draft of the measures to be adopted, accompanied by an explanatory memorandum. At the same time, such drafts shall be notified to the Commission and to those other Member States sharing the fishery. Member States shall make every effort to involve in this consultation, at an early stage and in an open and transparent manner, other relevant stakeholders of the fishery concerned, in order to identify the views and proposals of all the relevant parties during the preparation of the measures envisaged.*
- 1c. Member States shall duly take into account the opinions submitted by the relevant Advisory Councils, by ICES and/or by STECF and, where the final measures adopted diverge from these opinions, shall provide detailed explanations of the reasons why they diverge.*
- 1d. Where Member States wish to amend the adopted measures, paragraphs 1a, 1b and 1c shall also apply.*

1e. The Commission shall adopt guidelines setting out the details of the procedure to be followed for the application of paragraphs 1a, 1 b and 1c, in order to ensure that the adopted measures are coherent, coordinated at regional level and comply with the established technical measures framework. These guidelines may also identify or establish administrative frameworks, such as Regional Fisheries Working Groups in order to organise on a practical level the cooperation between the Member States, notably with a view to promoting and facilitating the adoption of the measures by each of the Member States. [Am. 126]

Article 22

Notification of Member State technical measures

Member States adopting technical measures pursuant to Article 21 shall ***publish them and*** notify the Commission, other interested Member States and relevant Advisory Councils of such measures. [Am. 127]

Article 23
Assessment

1. The Commission may at any time assess the compatibility and effectiveness of technical measures adopted by Member States pursuant to Article 21 *and shall, in any event, assess and report on the same at least once every three years or as may be required by the relevant technical measures framework.*

1a. *In accordance with Directive 2007/2/EC and in order to assist the Commission in its implementation of the Common Fisheries Policy, Member States shall provide the Commission with access and user rights in respect of the material prepared, and the data used, in connection with the formulation and enactment of technical measures pursuant to Article 21.*

With regard to access to environmental information, Directive 2003/4/EC and Regulations (EC) No 1049/2001 and (EC) No 1367/2006 shall apply. [Am. 128]

- 1b. The Commission shall publish any assessments carried out according to this Article, and shall make this information publicly available by publishing it on appropriate websites or by providing a direct hyperlink to it. With regard to access to environmental information, Regulations (EC) No 1049/2001 and (EC) No 1367/2006 shall apply.**

[Am. 129]

Article 24

Default measures adopted under a technical measures' framework

1. The Commission shall be empowered to adopt delegated acts in accordance with Article 55 to specify the technical measures covered by a technical measures framework, if the Member States authorised to take measures in accordance with Article 21 do not notify such measures to the Commission within ~~three~~ ***the period provided for in the technical measures framework or, failing that, within six*** months after the date of entry into force of the technical measures framework.

2. ~~Where the Commission shall be empowered to adopt delegated acts in accordance with Article 55 to specify technical measures, if~~ ***is of the opinion that*** Member State measures are deemed on the basis of an assessment carried out pursuant to Article 23:

- (a) ~~are not to be~~ compatible with the objectives set out in a technical measures framework or
- (b) ~~do not to~~ meet the objectives set out in such a technical measures framework effectively,

it shall notify the Member State concerned, stating its reasons.

2a. ***In the event of the Commission delivering an opinion pursuant to paragraph 2, the Member State concerned shall have three months in which to modify its measures in order to make them compatible with the objectives of the technical measures framework and in which to meet those objectives.***

- 2b. *In the event of a Member State failing to modify its measures pursuant to paragraph 2a, the Commission shall be empowered to adopt delegated acts in accordance with Article 55, establishing technical measures covered by the technical measures framework.***
3. The technical measures adopted by the Commission shall aim at ensuring that the objectives of the technical measures framework are met. Upon the adoption of the delegated act by the Commission, the Member State measures shall cease to be effective.
- 3a. *Prior to adopting the delegated acts referred to in this Article, the Commission shall consult the relevant Advisory Councils as well as ICES and STECF on a draft of the measures to be adopted accompanied by an explanatory memorandum. [Am. 130]***

TITLE IV
NATIONAL MEASURES

Article 25

Member States' measures applicable solely to fishing vessels flying their flag

- 1.** A Member State may adopt measures for the conservation of fish stocks in Union waters provided that those measures:
- (a) apply solely to fishing ***all*** vessels ~~flying the flag of that Member State or, in the case of fishing activities which are not conducted by a fishing vessel, to persons established in the territory~~ ***operating in relation to stocks in their waters for which they have been allocated fishing opportunities; [Am. 131]***
 - (b) are compatible with the objectives set out in Articles 2 and 3; and
 - (c) are no less stringent than those in existing Union legislation.

- 1a. The Member State shall, for control purposes, inform the other Member States concerned of provisions adopted pursuant to paragraph 1. [Am. 132]*
- 1b. Member States shall make publicly available the information related to the measures adopted in accordance with this Article. [Am. 133]*

Article 26

Member State measures within the 12 nautical mile zone

1. A Member State may take non-discriminatory measures for the conservation and management of fish stocks and to ~~minimise the effect~~ **to meet targets relating to other living aquatic resources and the maintenance or improvement** of ~~fishing on~~ the conservation **status** of marine eco-systems within 12 nautical miles of its baselines provided that the Union has not adopted measures addressing conservation and management specifically for that area **or specifically addressing the problem identified by the Member State in question**. The Member State measures shall be compatible with the objectives set out in Articles 2 and 3 and no less stringent than those in existing Union legislation. [Am. 134]

2. Where conservation and management measures to be adopted by a Member State are liable to affect fishing vessels of other Member States, such measures shall be adopted only after ~~consulting~~ **notifying** the Commission, the relevant Member States and relevant Advisory Councils ~~on a draft~~ of the measures accompanied by an explanatory memorandum **that shall also demonstrate that those measures are non-discriminatory.** [Am. 135]
- 2a. **Member States shall make publicly available the information related to the measures adopted in accordance with this Article.** [Am. 136]

~~PART IV~~
~~ACCESS TO RESOURCES~~

~~Article 27~~

~~Establishment of systems of transferable fishing concessions~~

- ~~1. Each Member State shall establish a system of transferable fishing concessions no later than 31 December 2013 for~~
 - ~~(a) all fishing vessels of 12 meters length over all or more; and~~
 - ~~(b) all fishing vessels under 12 meters length overall fishing with towed gear.~~
- ~~2. Member States may extend the system of transferable fishing concessions to fishing vessels of less than 12 meters length overall and deploying other types of gear than towed gear and shall inform the Commission thereof.~~

~~Article 28~~

~~Allocation of transferable fishing concessions~~

- ~~1. A transferable fishing concession shall establish an entitlement to use the individual fishing opportunities allocated in accordance with Article 29(1).~~
- ~~2. Each Member State shall allocate transferable fishing concessions on the basis of transparent criteria, for each stock or group of stocks for which fishing opportunities are allocated in accordance with Article 16, excluding fishing opportunities obtained under sustainable fisheries agreements.~~
- ~~3. For the allocation of transferable fishing concessions pertaining to mixed fisheries, Member States shall take account of the likely catch composition of vessels participating in such fisheries.~~

4. ~~Transferable fishing concessions may only be allocated by a Member State to an owner of a fishing vessel flying the flag of that Member State, or to legal or natural persons for the purpose of being used on such a vessel. Transferable fishing concessions may be pooled together for collective management by legal or natural persons or recognized producer organisations. Member States may limit eligibility for receiving transferable fishing concessions on the basis of transparent and objective criteria.~~

5. ~~Member States may limit the period of validity of transferable fishing concessions to a period of at least 15 years, for the purpose of reallocating such concessions. Where Member States have not limited the period of validity of the transferable fishing concessions, they may recall such concessions with a notice of at least 15 years.~~

6. ~~Member States may recall transferable fishing concessions with a shorter notice in the event of an established serious infringement committed by the holder of the concessions. Such recalls shall be operated in a manner which gives full effect to the Common Fisheries Policy, the proportionality principle and, whenever necessary, with immediate effect.~~
7. ~~Notwithstanding paragraph 5 and 6, Member States may recall transferable fishing concessions that have not been used on a fishing vessel for a period of three consecutive years.~~

~~Article 29~~

~~Allocation of individual fishing opportunities~~

- ~~1. Member States shall allocate individual fishing opportunities to holders of transferable fishing concessions, as referred to in Article 28, on the basis of fishing opportunities allocated to the Member States, or established in management plans adopted by Member States in accordance with Article 19 of Regulation (EC) No 1967/2006.~~
- ~~2. Member States shall determine fishing opportunities that, based on the best available scientific advice, can be allocated to fishing vessels flying their flag for species for which the Council has not fixed fishing opportunities.~~
- ~~3. Fishing vessels shall undertake fishing activities only when in possession of sufficient individual fishing opportunities to cover all their potential catch.~~

4. ~~Member States may reserve up to 5% of fishing opportunities. They shall establish objectives and transparent criteria for the allocation of such reserved fishing opportunities. Those fishing opportunities may only be allocated to eligible holders of transferable fishing concessions as set out in Article 28(4).~~
5. ~~When allocating transferable fishing concessions in accordance with Article 28 and when allocating fishing opportunities in accordance with paragraph 1 of this Article, a Member State may provide incentives to fishing vessels deploying selective fishing gear that eliminates unwanted by catch within the fishing opportunities assigned to that Member State.~~
6. ~~Member States may set fees for the use of individual fishing opportunities to contribute to fisheries management related costs.~~

~~Article 30~~

~~Register of transferable fishing concessions and individual fishing opportunities~~

~~Member States shall establish and maintain a register of transferable fishing concessions and individual fishing opportunities.~~

~~Article 31~~

~~Transfer of transferable fishing concessions~~

- ~~1. Transferable fishing concessions may be fully or partially transferred within a Member State among eligible holders of such concessions.~~
- ~~2. A Member State may authorise transfer of transferable fishing concessions to and from other Member States.~~
- ~~3. Member States may regulate the transfer of transferable fishing concessions by providing for conditions for their transfer on the basis of transparent and objective criteria.~~

~~Article 32~~

~~Leasing of individual fishing opportunities~~

- ~~1. Individual fishing opportunities may be fully or partially leased within a Member State.~~
- ~~2. A Member State may authorise the leasing of individual fishing opportunities to and from other Member States.~~

~~Article 33~~

~~Allocation of fishing opportunities not subject to a system of transferable fishing concessions~~

- ~~1. Each Member State shall decide how fishing opportunities assigned to it in accordance with Article 16, and which are not subject to a system of transferable fishing concessions, may be allocated to vessels flying its flag. It shall inform the Commission of the allocation method. [Am. 137]~~

PART V
MANAGEMENT OF FISHING CAPACITY

Article 34

Adjustment of fishing capacity

1. Member States shall, **where necessary**, put in place measures to adjust the fishing capacity of their fleets ~~in order to achieve an effective~~, **with the objective of achieving a stable and enduring** balance between ~~such~~ **their** fishing capacity and their fishing opportunities, **in accordance with the general objectives set out in Article 2.**

1a. In order to achieve the objective set out in paragraph 1, Member States shall conduct annual capacity assessments, the results of which they shall transmit to the Commission by 30 May of each year. Capacity assessments shall include an analysis of the total fleet capacity per fishery and fleet segment at the time of assessment, and its impact on stocks and the wider marine ecosystem. Capacity assessments shall also include an analysis of the long-term profitability of the fleet. To ensure a common approach to such assessments across all Member States, assessments shall be carried out in accordance with the Commission's guidelines on an improved analysis of the balance between fleet capacity and fishing opportunities and shall also take into consideration the profitability of the fleet. The assessments shall be made publicly available.

- 1b. If the assessment shows that there is a discrepancy between its fishing capacity and its fishing opportunities, a Member State shall within a year after that assessment adopt a detailed programme, which shall include a binding timetable, setting out any adjustment of the fishing capacity of their fleets in terms of vessel numbers and characteristics that is necessary in order to achieve a stable and enduring balance between their fishing capacity and their fishing opportunities. It shall transmit this programme to the European Parliament, to the Commission and to the other Member States.*
- 1c. If no such assessment is provided, if a Member State is required to adopt a programme to reduce capacity and fails to do so, or if the Member State fails to implement such a programme, this will result in the interruption of Union financial assistance to that Member State under the Common Fisheries Policy.*

In the last resort, if the performance of any one of the steps referred to in the first subparagraph is delayed by two or more years, the Commission may suspend the fishing opportunities of the fleet segments concerned.

2. No exit from the fleet supported by public aid granted under the framework of the European Fisheries Fund for the 2007-2013 programming period shall be permitted unless preceded by the withdrawal of the fishing licence and the fishing authorisations.
 3. The fishing capacity corresponding to the fishing vessels withdrawn with public aid shall not be replaced.
 4. Member States shall ensure that from 1 January 2013 the fishing capacity of their fleet does not exceed at any time the fishing capacity ceilings established in accordance with Article 35.
- 4a. *In order to be entitled to a fishing licence or authorisation, Union vessels shall hold a valid engine certificate, issued in accordance with Regulation (EC) No 1224/2009.***
[Ams 138 and 241]

Article 34a

Entry/exit scheme

Member States shall manage entries into their fleets and exits from their fleets in such a way that the entry into the fleet of new capacity without public aid is compensated by the previous withdrawal without public aid of at least the same amount of capacity. [Am. 139]

Article 35

Management of fishing capacity

1. Each Member State fleet shall be *strictly* subject to fishing capacity ceilings as set out in Annex II.
2. ~~Member States may request the Commission to exclude fishing vessels subject to a system of transferable fishing concessions established in accordance with Article 27 from the fishing capacity ceilings established in accordance with paragraph 1. In that case the fishing capacity ceilings shall be re-calculated to take into account the fishing vessels which are not subject to a system of transferable fishing concessions. **By 31 December ... ***, the Commission shall submit a proposal to the European Parliament and the Council to amend Annex II to this Regulation and Regulation (EEC) No 2930/86 in order to define fishing capacity with regard to any measurable parameter of a vessel that might affect its ability to catch fish.~~

* *OJ please insert the year following that of the entry into force of this Regulation.*

This new definition shall take into account social and economic criteria as well as control efforts undertaken by Member States. In such proposal the fleet capacity of each Member State shall be broken down by fleet segments, including a specific breakdown for vessels operating in the outermost regions and for vessels operating exclusively outside Union waters.

- ~~3. The Commission shall be empowered to adopt delegated acts in accordance with Article 55 concerning the re-calculation of the fishing capacity ceilings as referred to in paragraphs 1 and 2. [Am. 140]~~

Article 36

Fishing fleet registers

1. Member States shall record the information on ***ownership, vessel and gear*** characteristics and ***on the*** activity ~~for~~ ***of*** Union fishing vessels flying their flag that is necessary for the management of measures established under this Regulation ***and shall publish this information, while ensuring that personal data is adequately protected.***
2. Member States shall ~~make available~~ ***submit*** to the Commission the information referred to in paragraph 1.
3. The Commission shall set up a Union fishing fleet register containing the information that it receives pursuant paragraph 2.

4. The information contained in the Union fishing fleet register shall be made available to all Member States *and to the European Parliament*. The Commission shall be empowered to adopt delegated acts in accordance with Article 55 concerning the definition of the information referred to in paragraph 1.
5. The Commission shall ~~establish~~ *adopt implementing acts, establishing* technical operational requirements for the modalities for transmission of the information referred to in paragraphs 2, 3 and 4. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 56(2). **[Am. 141]**

PART VI
SCIENCE BASE FOR FISHERIES MANAGEMENT

Article 37

Data requirements for fisheries management

1. ***The conservation, management and sustainable exploitation of marine biological resources must be based on the best information available. To this end, Member States shall collect biological, technical, environmental and socio-economic data necessary for ecosystem based fisheries management, manage them and make them available to end users of scientific data, including bodies designated by the Commission. The Union shall make a financial contribution, via the EMFF, that is sufficient to finance the acquisition of these data. These The data shall in particular enable the assessment of: [Am. 142]***

- (a) the *current* state of exploited marine biological resources, [Am. 143]
 - (b) the level of fishing, *with a clear distinction being made between industrial and non-industrial fisheries*, and the impact that fishing activities have on the marine biological resources and on the marine eco-systems, and [Am. 224]
 - (c) the *current* socio-economic performance of the fisheries, aquaculture and processing sectors within and outside Union waters. [Am. 144]
2. Member States shall:
- (a) ensure that the collected data are accurate ~~and~~, reliable *and comprehensive, and that they are collected in a timely manner and in a harmonised way in all Member States*; [Am. 145]

- (aa) *ensure that the scientific data and methodologies take factors such as acidification and sea temperatures into consideration when collecting data, thereby ensuring that data is gathered from different regions throughout the year; [Am. 146]*
- (b) ~~avoid~~ *set up coordination mechanisms with a view to avoiding* duplication of data collection for different purposes; [Am. 147]
- (c) ensure safe storage of collected data ~~and where applicable appropriate protection and confidentiality of collected data~~, *making it publicly available, save in exceptional circumstances, where appropriate protection and confidentiality are required, and on the condition that the reasons for such restrictions are declared; [Am. 148]*
- (d) ensure that the Commission, or bodies designated by it, have access to *all* the national databases and systems used for processing the collected data for the purpose of verification of the existence and quality of the data; [Am. 149]

- (da) make available to interested parties the relevant data and the respective methodologies by which they are obtained, while taking into account any complementary data which may be provided by such parties. [Am. 150]*
- 2a. Member States shall submit annually to the Commission a summary report listing the fisheries for which it is required to collect data and indicating, for each category and case, whether the requirement has been met. The summary report shall be made publicly available. [Am. 151]*
3. Member States shall ensure the national coordination of the collection and management of scientific data for fisheries management, *including socio-economic data*. To this end, they shall designate a national correspondent and organize an annual national coordination meeting. The *European Parliament and the Commission* shall be informed of the national coordination activities and be invited to the coordination meetings. [Am. 152]

4. Member States, *in close cooperation with the Commission*, shall coordinate their data collection activities with other Member States in the same region, and make every effort to coordinate their actions with third countries having sovereignty or jurisdiction over waters in the same region. [Am. 153]
5. The collection, management and use of data shall be done in the framework of a multi-annual programme as of 2014. Such a multi-annual programme shall include targets for the precision of the data to be collected, and aggregation levels for the collection, management and use of such data.
6. The Commission shall be empowered to adopt delegated acts in accordance with Article 55, to specify the targets for the precision of the data to be collected and to define the aggregation levels for the collection, management and use of such data, for the multi-annual programme referred to in paragraph 5, *and to ensure the coordination between Member States of the collection and presentation of data*. [Am. 154]

7. The Commission shall establish technical operational requirements for the modalities of transmission of the data collected. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 56.
- 7a. Failure by a Member State to comply with the data collection requirements shall result in the withdrawal of public aid and the subsequent imposition of additional penalties by the Commission. [Am. 155]***

Article 37a

Consulting scientific bodies

The Commission shall consult appropriate scientific bodies at regular intervals on matters pertaining to the conservation and management of fisheries resources, including biological, economic, environmental, social and technical considerations, while taking into account the proper management of public funds, with the aim of avoiding duplication of work by different scientific bodies. [Am. 156]

Article 38

Research programs

1. Member States shall adopt national fisheries *and aquaculture* scientific data collection, research and innovation programs. They shall coordinate their fisheries data collection, research and innovation activities with other Member States ~~and~~, *in the context of the* Union research and innovation frameworks, *in close cooperation with the Commission and involving, where appropriate, the relevant Advisory Councils. The Union shall ensure adequate funding for these programmes, under the available research and fisheries instruments.* [Ams 157 and 285]
2. Member States shall, *with the involvement of the relevant scientific stakeholders*, ensure availability of relevant competences and human resources to be involved in the scientific advisory process. [Am. 158]

- 2a.** *Member States shall submit annual reports to the Commission on the progress of implementation of national fisheries scientific data collection, research and innovation programmes. [Am. 159]*
- 2b.** *The research programme findings shall be made available to the European scientific community as a whole. [Am. 160]*

PART VII
EXTERNAL POLICY

TITLE I
INTERNATIONAL FISHERIES ORGANISATIONS

Article 39

Objectives

1. ***With a view to ensuring the sustainable exploitation and management of maritime biological resources, the Union shall promote the effective implementation of international fisheries instruments and regulations, participate in the activities of and support the activities of international organisations dealing with fisheries, including regional fisheries management organisations (RFMOs). In doing so, the Union shall act in line with international commitments, obligations and policy objectives and consistent in a way that is consistent with the objectives set out in Articles 2 and 3 and 4 of this Regulation and in other Union policies.***

2. ~~The positions of the Union in international organisations dealing with fisheries and RFMOs shall be based on the best available scientific advice to ensure that fishery resources are maintained above or restored above levels capable of producing maximum sustainable yield. *In particular the Union shall:*~~
- (a) actively support, promote and contribute to the development of the best available scientific knowledge;*
 - (b) promote measures to ensure that fishery resources are maintained that are consistent with the objectives of Article 2, in particular its paragraph 2, and of Article 4;*
 - (c) promote the establishment and strengthening of RFMO compliance committees, periodical independent performance reviews and appropriate remedial actions, including dissuasive and effective penalties, which need to be applied in a transparent and non-discriminatory fashion;*

- (d) improve the policy coherence of Union initiatives, with particular regard to environmental, development and trade activities;*
- (e) promote and support, in all international spheres, action necessary to eradicate IUU-fishing, ensuring, to this end, that no IUU fisheries products enter the Union market, and thereby contributing to sustainable fishing activities that are economically viable and that promote employment within the Union;*
- (f) encourage and take an active part in joint international efforts to combat piracy at sea, with a view to ensuring human safety and preventing the disruption of maritime fishing activities;*
- (g) promote the effective implementation of international fisheries instruments and regulations;*

- (h) ensure that fishing activities outside Union waters are based on the same principles and standards as those applicable in Union waters, while promoting the application by the RFMOs of the same principles and standards as are applied in Union waters.*
- 2a. The Union shall actively support the development of equitable and transparent mechanisms for allocation of fishing opportunities.*
- ~~3. The Union shall actively contribute to and support the development of scientific knowledge and advice in RFMOs and international organisations. [Am. 161]~~
- 3a. The Union shall foster cooperation ties between RFMOs in order to align, harmonise and widen the framework for multilateral action, shall support the development of scientific knowledge and advice in RFMOs and international organisations and shall adhere to the resulting recommendations. [Am. 162]*

Article 40

Compliance with international provisions

The Union, *assisted by the European Fisheries Control Agency*, shall cooperate with third countries and international organisations dealing with fisheries, including RFMOs, to strengthen compliance with measures, *especially those combating IUU-fishing*, adopted by such international organisations, *so as to ensure that they are strictly adhered to*.

Member States shall ensure that their operators comply with the measures referred to in the first paragraph. [Am. 163]

TITLE II
SUSTAINABLE FISHERIES AGREEMENTS

Article 41

Principles and objectives of Sustainable Fisheries Agreements

1. Sustainable Fisheries Agreements with third countries shall establish a legal, economic and environmental governance framework for fishing activities carried out by Union fishing vessels in third country waters: *in accordance with relevant measures adopted by international organisations, including RFMOs. Such frameworks may include:*
 - (a) *development and support for the necessary scientific and research institutions;*
 - (b) *monitoring, control and surveillance capabilities; and*
 - (c) *other capacity building elements concerning the development of a sustainable fisheries policy of the third country.*

They shall also include provisions to ensure that fishing activities take place in conditions of legal certainty. [Am. 164]

- 1a. *In order to ensure that marine living resources are exploited sustainably, the Union shall be guided by the principle that Sustainable Fisheries Arrangements with third countries are to be established for the mutual benefit of both parties and are to contribute to continuing the activity of Union fleets by obtaining a share of the third country's surplus that is commensurate with the Union fleets' interest. [Am. 165]*
2. Union fishing vessels shall only catch surplus of the allowable catch determined by the third country as referred to in Article 62(2), of Unclos, and identified, *in a clear and transparent manner*, on the basis of the best available scientific advice and relevant information exchanged between the Union and the third country concerned about the total fishing effort on the affected stocks *by all fleets*, in order to ensure that fishery resources remain above levels capable of producing maximum sustainable yield. [Am. 166]

- 2a. *Sustainable Fisheries Agreements and agreements on reciprocal access shall include:*
- (a) *a requirement to comply with the principle of limiting access to resources that are scientifically demonstrated to be surplus for the coastal State, in accordance with the provisions of Unclos;*
 - (b) *a clause prohibiting the granting of more favourable conditions to the different fleets fishing in those waters, than those granted to Union economic actors including those concerning the conservation, development and management of resources or financial agreements, fees and other rights, relating to the issuing of fishing authorisations;*
 - (c) *a conditionality clause, that makes the agreement conditional on respect for human rights in accordance with the international agreements thereon; and*
 - (d) *an exclusivity clause. [Am. 167]*

- 2b. *Sustainable Fisheries Agreements and agreements on reciprocal access shall ensure that Union fishing vessels are able to operate in the waters of the third country with which an agreement has been concluded only if they are in possession of a fishing authorisation, which has been issued in accordance with a procedure agreed by both parties to the agreement. [Am. 168]*
- 2c. *Vessels flagged in the Union which have temporarily left the register of a Member State in order to seek fishing opportunities elsewhere shall, for a period of 24 months, not be allowed to benefit from fishing opportunities under a Sustainable Fisheries Agreement or the protocols in force at the time when they left the register, if they subsequently return to a Union register, and the same shall apply in respect of temporarily reflagging, while fishing under RFMOs. [Am. 169]*

- 2d. *Sustainable Fisheries Agreements shall provide that fishing authorisations of any kind shall only be granted to new fishing vessels and to those previously flagged in the Union for at least 24 months preceding the request for a fishing authorisation and wishing to target species covered by the Sustainable Fisheries Agreement. [Am. 170]*
- 2e. *When determining fishing opportunities in respect of agreements covering straddling or highly migratory fish stocks, scientific assessments conducted at regional level as well as conservation and management measures adopted by the RFMO shall be duly taken into account. [Am. 171]*
- 2f. *Efforts shall be made at Union level to monitor the activities of Union fishing vessels that operate in non-Union waters outside the framework of sustainable fisheries agreements. Such vessels shall respect the same guiding principles that are applied to those vessels fishing in the Union. [Am. 172]*

- 2g. *Union fishing vessels operating outside Union waters shall be equipped with CCTV cameras or equivalent to enable full documentation of fishing practices and catches. [Am. 173]*
- 2h. *Independent evaluations shall be conducted of the impact of each protocol before the Commission is given a mandate for negotiations for succeeding protocols and shall include information on catches and fishing activities. Such evaluations shall be made publically available. [Am. 174]*
- 2i. *In order to ensure that stocks that are shared with neighbouring countries are managed in a sustainable manner, it is necessary that they come within the scope of this Regulation; [Am. 175]*

Article 42

Financial assistance

1. The Union shall provide financial assistance to third countries through sustainable Fisheries Agreements in order to:
 - (a) support part of the cost of access to the fisheries resources in third country waters;

- (b) establish the governance framework, including the development and maintenance of the necessary scientific and research institutions, monitoring, control and surveillance capability, *transparency, participation and accountability mechanisms* and other capacity building items pertaining to the development of a sustainable fisheries policy driven by the third country. Such financial assistance shall be ~~conditioned~~ *conditional* upon the achievement of specific *socio-economic and environmental* results *and shall be complementary to and consistent with the development projects and programmes implemented in the third country in question.* [Am. 176]

Article 42a

Union fishing activities outside Sustainable Fisheries Agreements

Member States shall obtain information on any arrangements between nationals of a Member State and a third country that allow fishing vessels flying the flag of that Member State to engage in fishing activities in waters under the jurisdiction or sovereignty of the third country, as well as details of the vessels concerned and their relevant activities. The Member State shall inform the Commission thereof. [Am. 230]

PART VIII
AQUACULTURE

Article 43

Promoting *sustainable* aquaculture [Am. 177]

1. With a view to promoting sustainability and contributing to food security *and supplies*, growth and employment, non-binding Union strategic guidelines on common priorities and targets for the development of *sustainable* aquaculture activities shall be established by the Commission by 2013. Such strategic guidelines *shall differentiate between, on the one hand, small to medium aquaculture and, on the other hand, aquaculture on an industrial scale*, shall take account of the relative starting positions and different circumstances throughout the Union, *and* shall form the basis for multiannual national strategic plans and shall aim ~~at~~: [Am. 178]

- (a) ~~improving the competitiveness of the aquaculture industry and supporting its development and innovation;~~ *simplify legislation in the sector and reduce administrative burdens at Union level;*
- (b) ~~encouraging economic activity;~~ *encourage the use of non-carnivorous species and reduce the use of fishery products as fish feed;*
- (c) ~~diversification and improvement of the quality of life in coastal and rural areas;~~ *integrate aquaculture activities into other policies, such as policies for coastal zones, sea strategies and guidelines for maritime spatial planning, the implementation of Directive 2000/60/EC of the European Parliament and of the Council of 23 October 2000 establishing a framework for the Community action in the field of water policy¹ (Water Framework Directive) and environmental policy.*
- (d) ~~a level playing field for aquaculture operators in relation to access to waters and space.~~

¹ OJ L 327, 22.12.2000, p. 1.

2. ~~Member States shall establish a multiannual national strategic plan for the development of aquaculture activities on their territory by 2014. The Union shall support the production and consumption of sustainable Union aquaculture products by:~~
- (a) establishing transparent and general qualitative criteria for aquaculture by 2014 to assess and minimise the environmental impacts of aquaculture and farming activities;*
 - (b) ensuring that supplies reach consumers at reasonable prices;*
 - (c) laying down rules regarding the traceability, security and quality of Union and imported aquaculture products, through appropriate marking or labelling as established in Article 42 of Regulation (EU) No .../2013 [on the common organisation of the markets in fishery and aquaculture products]⁺. [Ams 179 and 242]*

⁺ OJ: Please insert the number of this Regulation (2011/0194(COD)).

3. The multiannual national strategic plan shall include the Member State's objectives and the measures *and the timetables necessary* to achieve them. [Am. 180]
4. Multiannual national strategic plans shall ~~aim in particular at~~ *specifically address* the need for the following:
 - (a) *the reduction of red tape and* administrative simplification, in particular regarding licenses;
 - (b) certainty for aquaculture operators in relation to access to waters and space, *in accordance with the Union policy on coastal zone management and maritime spatial planning*;
 - (c) indicators for *quality and* environmental, economic and social sustainability;

(ca) measures to ensure that aquaculture activities are in full compliance with existing Union environmental legislation;

- (d) assessment of other possible cross-bordering effects *on marine biological resources and marine ecosystems* on neighbouring Member States;
 - (da) *the promotion of Research, Development and Innovation (RDI) and collaboration between the industry and the scientific world;*
 - (db) *food safety;*
 - (dc) *animal health and welfare;*
 - (dd) *environmental sustainability.* [Am. 181]
5. Member States shall exchange information and best practices through an open method of coordination of the national measures contained in multiannual strategic plans.

Article 44

Consultation of Advisory Councils

An Advisory Council on aquaculture shall be established in accordance with Article 53.

PART IX

COMMON MARKET ORGANISATION

Article 45

Objectives

1. A common organisation of the markets in fishery and aquaculture products shall be established to:
 - (a) contribute to the achievement of the objectives laid down in Articles 2 and 3;
 - (b) enable the fishery and aquaculture industry to apply the Common Fisheries Policy at the appropriate level;

- (c) strengthen the competitiveness ***and promote the quality policies*** of the Union fishery and aquaculture industry, ~~in~~ ***by implementing production and marketing plans, paying particular attention to*** producers; [Am. 183]
- (d) improve the transparency ***and stability*** of the markets, in particular as regards economic knowledge and understanding of the Union markets for fishery and aquaculture products along the supply chain ~~and~~, ***the fair distribution of added value along the sector's value chain and*** consumer ***information and*** awareness, ***by means of notification and/or labelling providing comprehensible information***; [Am. 184]
- (e) contribute to ensuring a level playing field ***including equal health, social and environmental requirements*** for all products marketed in the Union by promoting sustainable exploitation of fisheries resources; [Am. 185]

- (ea) ensure that consumers have a diverse supply of fishery and aquaculture products, the quality and origin of which are certified, along with sufficient information so that their decisions contribute to the achievement of the objectives established in this Regulation;*
- (eb) ensure that products imported from third countries come from fisheries and industries that meet the same environmental, economic, social and health requirements as those required of Union fleets and businesses, and that the products result from legal, declared and regulated fishing conducted in accordance with the same standards as those required of Union vessels;*
- (ec) ensure the traceability of all fishery and aquaculture products throughout the supply chain, provide verifiable and accurate information regarding the origin of the product and its mode of production and label the product accordingly, with an emphasis on reliable eco-labelling. [Ams 186 and 270]*

2. The common organisation of the markets shall apply to the fishery and aquaculture products listed in Annex I to Regulation (EU) No .../2013 [on the common organisation of the markets in fishery and aquaculture products]⁺, which are marketed in the Union.
3. The common organisation of the markets shall comprise in particular:
 - (a) organisation of the industry including market stabilization measures;
 - (b) common marketing standards, *taking into account the particular characteristics of local communities*; [Am. 187]
 - (ba) *common rules with a view to the introduction of an eco-labelling scheme for Union fishery and aquaculture products*;
 - (bb) *consumer information*;
 - (bc) *taking trade measures against third countries not practising sustainable fishing*.
[Am. 188]

⁺ OJ: Please insert number of this Regulation (2011/0194(COD)).

PART X
CONTROL AND ENFORCEMENT

Article 46

Objectives

1. Compliance with the rules of the Common Fisheries Policy shall be ensured through an effective Union fisheries control system, including the fight against IUU-fishing.
2. The Union fisheries control system shall in particular be based on:
 - (a) a global and integrated approach *that should result in a number of controls linked to the size of fleets in different Member States*; [Am. 225]

- (b) *more efficient use of systems already to be found on board each fishing vessel and, where necessary, the use of ~~modern~~ effective control technologies for the availability and quality of data on fisheries and aquaculture; [Am. 189]*
- (ba) *Union-wide harmonisation of the rules on controls and penalties; [Am. 190]*
- (bb) *complementarity between controls at sea and on shore; [Am. 191]*
- (c) a risk-based strategy focused on systematic and automated cross-checks of all available relevant data;
- (d) the development of a culture of *co-responsibility*, compliance *and cooperation* among *all fishing vessel* operators, *vessel owners and fishermen*; [Am. 192]

(da) a standardised compliance and enforcement regime for each Member State;
[Am. 193]

(e) the establishment of effective, proportionate and dissuasive sanctions;

(ea) a level playing field, including trade sanctions when it is established that third countries are behaving irresponsibly. [Am. 226]

2a. *Member States shall ensure the establishment of effective, proportionate and dissuasive penalties, including the freezing of funds from the EMFF, taking into account the cost-benefit ratio and the principle of proportionality.* [Am. 195]

Article 46a
Compliance Committee

1. *A Union Compliance Committee shall be established and shall include representatives of the Member States, the Commission and the Control Agency.*
2. *The Union Compliance Committee shall:*
 - (a) *conduct annual reviews of compliance by each Member State to identify failures to comply with the CFP;*
 - (b) *review actions taken in relation to breaches of compliance detected; and*
 - (c) *forward its conclusions to the European Parliament and to the Council. [Am. 243]*

Article 47

Pilot projects on new control technologies and data management systems

1. The Commission and the Member States may carry out pilot projects on new control technologies and systems for data management.
2. The Commission shall be empowered to adopt delegated acts in accordance with Article 55 concerning rules for carrying out pilot projects on new control technologies and data management systems.

Article 48

Contribution to control, inspection and enforcement costs

Member States may require ~~holders of a fishing licence for fishing vessels of 12 meters length overall or more flying their flag~~ **their operators** to contribute proportionally to the **operational** costs of implementing the Union fisheries control system **and of data collection**. [Am. 196]

PART XI
FINANCIAL INSTRUMENTS

Article 49

Objectives

Union financial assistance may be granted to contribute to the achievement of the *long-term environmental, economic and social sustainability* objectives set out in Articles 2 and 3. *Union financial assistance shall not be granted to support operations that jeopardise the sustainability and the conservation of marine biological resources, biodiversity, habitats and ecosystems.*

[Am. 197]

Article 50

Conditions for financial assistance towards Member States

1. Union financial assistance towards Member States shall be ***transparent and*** conditional upon compliance with the rules of the Common Fisheries Policy, ***with the environmental directives mentioned in Article 12 and with the application of the precautionary principle*** by Member States.
2. Non-compliance by Member States with the rules of the Common Fisheries Policy, ~~may~~ ***with the legal acts referred to in paragraph 1 and with the application of the precautionary principle shall immediately*** result in the interruption or suspension of payments or in the application of a financial correction to Union financial assistance under the Common Fisheries Policy. Such measures shall be proportionate to the nature, extent, duration and repetition of the non compliance. ***A methodology shall be established including objectives, indicators, and homogenous and transparent measurements for all Member States.*** [Am. 302]

Article 51

Conditions for financial assistance towards operators

1. Union financial assistance towards operators shall be conditional upon ***their*** compliance with the rules of the Common Fisheries Policy ~~by operators~~ ***and with national law transposing the Directives in the environmental field referred to in Article 12. Financial assistance shall not be granted to an operation that jeopardises the sustainability and conservation of marine biological resources, biodiversity, habitats or ecosystems.***
2. Serious infringements by operators of the rules of the Common Fisheries Policy ***and of the national law referred to in paragraph 1*** shall result in temporary or permanent bans on access to the Union financial assistance and/or the application of financial reductions. Such measures, ***taken by the Member State,*** shall be ***dissuasive, effective and*** proportionate to the nature, extent, duration and repetition of serious infringements.

3. Member States shall ensure that Union financial assistance is granted only if no ~~sanctions~~ ~~for~~ serious infringements have been ~~imposed to~~ **committed by** the concerned operator, within a period of ~~1 year~~ **at least three years** prior to the date of application for Union financial assistance. [Am. 199]

PART XII
ADVISORY COUNCILS

Article 52
Advisory Councils

1. Advisory Councils are established for each of the *geographical* areas *or fields* of competence set out in Annex III, to promote a balanced representation of all stakeholders *in accordance with Article 54(I)* and to contribute to the achievement of the objectives set out in Articles 2 and 3.

1a. In particular, the following new Advisory Councils shall be established, in accordance with Annex III:

- (a) an Advisory Council for the outermost regions, divided into three sections for each of the following sea basins: West Atlantic, East Atlantic and Indian Ocean;*
- (b) an Advisory Council for aquaculture and inland fishing;*
- (c) an Advisory Council for markets;*
- (d) an Advisory Council for the Black Sea.*

~~2. The Commission shall be empowered to adopt delegated acts in accordance with Article 55 concerning amendments to that Annex to change the areas of competence, to create new areas of competence for Advisory Councils or to create new Advisory Councils.~~

3. Each Advisory Council shall establish its rules of procedure. **[Am. 200]**

Article 53

Tasks of Advisory Councils

-1. Before completing its internal procedures either leading to the submission, in accordance with the ordinary legislative procedure, of a proposal pursuant to Article 43(2) TFEU, such as for multiannual plans or technical measures frameworks, or leading to the adoption of delegated acts in accordance with Article 55, the Commission shall seek the opinion of the relevant Advisory Councils. This consultation shall be without prejudice to the consultation of ICES or other appropriate scientific bodies.

1. Advisory Councils may:

- (a) submit recommendations and suggestions on matters relating to **the management of fisheries and the socio-economic and conservation aspects of fisheries management** and aquaculture to the Commission ~~or~~, **and** to the Member State concerned;

- (b) inform the Commission and Member States of problems relating to ***the management and the socio-economic and conservation aspects of fisheries management*** and, ***where appropriate, of aquaculture*** in their ***geographical area or field*** of competence ***and propose solutions to overcome these problems***;
- (c) contribute, in close cooperation with scientists, to the collection, supply and analysis of data necessary for the development of conservation measures;
- (ca) ***issue opinions on the draft conservation measures referred to in Article 17(2b) and the draft technical measures referred to in Article 21(1b), and submit them to the Commission and to those Member States that are directly concerned by the fishery or area in question.***

2. The Commission and, where relevant, the Member State concerned, shall ***take due account of the Advisory Councils' opinions, recommendations, suggestions and of any information received pursuant to paragraphs -1 and 1 and shall reply to these submissions*** within a reasonable time period to any recommendation, suggestion or information received pursuant to paragraph 1 ***not more than 30 working days, and in any event before the final measures are adopted. Where the final measures adopted diverge from the Advisory Councils' opinions, recommendations and suggestions received pursuant to paragraphs -1 and 1, the Commission or the Member State concerned shall state detailed reasons why they diverge.*** [Am. 201]

Article 54

Composition, functioning and funding of Advisory Councils

1. Advisory Councils shall be composed of
 - (a) organisations representing the fisheries *and, where appropriate, aquaculture operators and*;
 - (b) other interest groups affected by the Common Fisheries Policy, *for example, environmental organisations and consumer groups.*

With respect to point (a), employers, self-employed fishermen and employees and different fishing trades shall be duly represented.

Representatives of national and regional administrations that have fisheries interests in the area concerned and researchers from the Member States' scientific and fisheries research institutes and from the international scientific institutions that advise the Commission shall be allowed to participate as observers.

- 1a. *Representatives of the European Parliament and of the Commission may take part as observers in Advisory Council meetings. When issues that affect them are discussed, representatives of the fisheries sector and other interest groups from third countries, including representatives from RFMOs, that have a fishing interest in the area or fisheries covered by an Advisory Council may be invited to participate as observers in those Advisory Council meetings.*
2. Each Advisory Council shall consist of a general assembly and an executive committee and shall adopt the measures necessary for its organization and to ensure transparency and the respect of all opinions expressed.
3. Advisory Councils may apply for Union financial assistance as bodies pursuing an aim of general European interest.
4. The Commission shall be empowered to adopt delegated acts in accordance with Article 55 concerning the composition and the functioning of Advisory Councils. *Those delegated acts shall be without prejudice to paragraph 1 and 1a. [Am. 202]*

PART XIII
PROCEDURAL PROVISIONS

Article 55

Exercise of delegation

1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.
2. The power to adopt delegated acts referred to in Articles ~~12(2)~~ **13(1)**, 15(6), 20(1) and ~~(2)~~ **(2b)**, 24(1) and ~~(2)(2b)~~, ~~35(3)~~, 36(4), 37(6), 47(2), ~~52(2)~~, 54(4) shall be conferred for an indeterminate period of time from 1 January 2013.
3. The delegation of power referred to in Articles ~~12(2)~~ **13(1)**, 15(6), 20(1) and ~~(2)(2b)~~, 24(1) and ~~(2)(2b)~~, ~~35(3)~~, 36(4), 37(6), 47(2), ~~52(2)~~, 54(4) may be revoked at any time by the European Parliament or by the Council. A decision ~~of revocation~~ **to revoke** shall put an end to the delegation of the powers specified in that decision. It shall take effect the day following the publication of the decision in the *Official Journal of the European Union* or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.

4. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.
5. A delegated act adopted pursuant to Articles ~~12(3)~~ **13(1)**, 15(~~46~~), 20(1) and ~~(2)(2b)~~, 24(1) and ~~(2)(2b)~~, ~~35(3)~~, 36(4), 37(~~76~~), 47(2), ~~52(2)~~, 54(4) shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of ~~2~~ **two** months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by ~~2~~ **two** months at the initiative of the European Parliament or *of* the Council.
[Am. 203]

Article 55a

Urgency procedure

1. *Delegated acts adopted under this Article shall enter into force without delay and shall apply, subject to paragraph 2, for a period of six months. The notification of a delegated act to the European Parliament and to the Council shall state the reasons for the use of the urgency procedure.*
2. *Either the European Parliament or the Council may object to a delegated act in accordance with the procedure referred to in Article 55(5). In such a case, the Commission shall repeal the act without delay following the notification of the decision to object by the European Parliament or by the Council. [Am. 204]*

Article 56
Implementation

1. In the implementation of the rules of the Common Fisheries Policy, the Commission shall be assisted by a Committee for fisheries and aquaculture. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.
2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.
3. ***Where reference is made to this paragraph, Article 8 of Regulation (EU) No 182/2011, in conjunction with Article 5 thereof, shall apply. [Am. 205]***

Part XIV
FINAL PROVISIONS

Article 57
Repeals

1. Regulation (EC) No 2371/2002 is repealed.

References to the repealed Regulation shall be construed as references to this Regulation.

2. Decision 2004/585/EC is hereby repealed with effect from the entry into force of the rules adopted under ~~Articles 51(4) and 52(4)~~ **Article 54(4)**. **[Am. 206]**
3. Article 5 of Regulation (EC) No 1954/2003 shall be deleted.
4. ~~Regulation (EC) No 199/2008 is repealed.~~ **[Am. 207]**
5. Regulation (EC) No 639/2004 is repealed.

Article 57a

Amendment to Regulation (EC) No 768/2005

Regulation (EC) No 768/2005 is hereby amended as follows:

In Article 16, the following paragraph is added:

"3. The European Fisheries Control Agency shall be the operational body designated for the exchange of data in electronic form and for enhanced maritime surveillance capacity."

[Am. 273]

Article 58

Transitional measures

~~Notwithstanding Article 57(4), Regulation (EC) No 199/2008 shall continue to apply to the national programmes adopted for the collection and management of data for the years 2011—2013.~~

[Am. 208]

Article 58a

Review

1. *Every five years, the Commission shall review the provisions of Articles 1–5 and present proposals to the European Parliament and to the Council, in accordance with the ordinary legislative procedure pursuant to Article 43(2) TFEU, to incorporate progress and best practices in fisheries management.*
2. *The Commission shall report to the European Parliament and to the Council on the operation of the Common Fisheries Policy before the end of 2022. [Am. 209]*

Article 58b

Annual report

The Commission shall publish an annual report informing the public about the fisheries situation in the Union, including information on the biomass levels of fish stocks, the sustainability of exploitation rates and the availability of scientific data. [Am. 210]

Article 59
Entry into force

This Regulation shall enter into force on the day following that of its publication in the *Official Journal of the European Union*.

It shall apply from 1 January 2013.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at

For the European Parliament
The President

For the Council
The President

ANNEX I

ACCESS TO COASTAL WATERS WITHIN THE MEANING OF ARTICLE 6(2)

1. COASTAL WATERS OF THE UNITED KINGDOM

A. ACCESS FOR FRANCE

Geographical area	Species	Importance or particular characteristics
United Kingdom coast (6 to 12 nautical miles)		
1. Berwick-upon-Tweed east Coquet Island east	Herring	Unlimited
2. Flamborough Head east Spurn Head east	Herring	Unlimited
3. Lowestoft east Lyme Regis south	All species	Unlimited
4. Lyme Regis south Eddystone south	Demersal	Unlimited

5. Eddystone south Longships south-west	Demersal Scallops Lobster Crawfish	Unlimited Unlimited Unlimited Unlimited
6. Longships south-west Hartland Point north-west	Demersal Crawfish Lobster	Unlimited Unlimited Unlimited
7. Hartland Point to a line from the north of Lundy Island	Demersal	Unlimited
8. From a line due west Lundy Island to Cardigan Harbour	All species	Unlimited
9. Point Lynas North Morecambe Light Vessel east	All species	Unlimited
10. County Down	Demersal	Unlimited

11. New Island north-east Sanda Island south-west	All species	Unlimited
12. Port Stewart north Barra Head west	All species	Unlimited
13. Latitude 57°40'N Butt of Lewis west	All species Except shellfish	Unlimited
14. St Kilda, Flannan Islands	All species	Unlimited
15. West of the line joining Butt of Lewis lighthouse to the point 59°30'N-5°45'W	All species	Unlimited

B. ACCESS FOR IRELAND**Geographical area****Species Importance or
particular
characteristics**

United Kingdom coast (6 to 12 nautical miles)		
1. Point Lynas north	Demersal	Unlimited
Mull of Galloway south	Nephrops	Unlimited
2. Mull of Oa west	Demersal	Unlimited
Barra Head west	Nephrops	Unlimited

C. ACCESS FOR GERMANY

Geographical area	Species	Importance or particular characteristics
United Kingdom coast (6 to 12 nautical miles)		
1. East of Shetlands and Fair Isle between lines drawn due south-east from Sumbrugh Head lighthouse due north-east from Skroo lighthouse and due south-west from Skadan lighthouse	Herring	Unlimited
2. Berwick-upon-Tweed east, Whitby High lighthouse east	Herring	Unlimited
3. North Foreland lighthouse east, Dungeness new lighthouse south	Herring	Unlimited
4. Zone around St Kilda	Herring Mackerel	Unlimited Unlimited
5. Butt of Lewis lighthouse west to the line joining Butt of Lewis lighthouse and the point 59°30'N-5°45'W	Herring	Unlimited
6. Zone around North Rona and Sulisker (Sulasgeir)	Herring	Unlimited

D. ACCESS FOR THE NETHERLANDS

Geographical area	Species	Importance or particular characteristics
United Kingdom coast (6 to nautical 12 miles)		
1. East of Shetlands and Fair Isle between lines drawn due south-east from Sumburgh Head lighthouse due north-east from Skroo lighthouse and due south-west from Skadan lighthouse	Herring	Unlimited
2. Berwick upon Tweed east, Flamborough Head east	Herring	Unlimited
3. North Foreland east, Dungeness new lighthouse south	Herring	Unlimited

E. ACCESS FOR BELGIUM

Geographical area	Species	Importance or particular characteristics
United Kingdom coast (6 to nautical 12 miles)		
1. Berwick upon Tweed east Coquer Island east	Herring	Unlimited
2. Cromer north North Foreland east	Demersal	Unlimited
3. North Foreland east Dungeness new lighthouse south	Demersal Herring	Unlimited Unlimited
4. Dungeness new lighthouse south, Selsey Bill south	Demersal	Unlimited
5. Straight Point south-east, South Bishop north-west	Demersal	Unlimited

2. COASTAL WATERS OF IRELAND

A. ACCESS FOR FRANCE

Geographical area	Species	Importance or particular characteristics
Irish coast (6 to 12 nautical miles)		
1. Erris Head north-west	Demersal	Unlimited
Sybil Point west	Nephrops	Unlimited
2. Mizen Head south	Demersal	Unlimited
Stags south	Nephrops	Unlimited
3. Stags south	Demersal	Unlimited
Cork south	Nephrops	Unlimited
	Mackerel	Unlimited
	Herring	Unlimited
4. Cork south, Carnsore Point south	All species	Unlimited
5. Carnsore Point south, Haulbowline south-east	All species, except shellfish	Unlimited

B. ACCESS FOR THE UNITED KINGDOM

Geographical area	Species	Importance or particular characteristics
Irish coast (6 to 12 miles)		
1. Mine Head south Hook Point	Demersal	Unlimited
	Herring	Unlimited
	Mackerel	Unlimited
2. Hook Point Carlingford Lough	Demersal	Unlimited
	Herring	Unlimited
	Mackerel	Unlimited
	Nephrops	Unlimited
	Scallops	Unlimited

C. ACCESS FOR THE NETHERLANDS

Geographical area	Species	Importance or particular characteristics
Irish coast (6 to 12 miles)		
1. Stags south	Herring	Unlimited
Carnsore Point south	Mackerel	Unlimited

D. ACCESS FOR GERMANY

Geographical area	Species	Importance or particular characteristics
Irish coast (6 to 12 nautical miles)		
1. Old Head of Kinsale south Carnsore Point south	Herring	Unlimited
2. Cork south Carnsore Point south	Mackerel	Unlimited

E. ACCESS FOR BELGIUM

Geographical area	Species	Importance or particular characteristics
Irish coast (6 to 12 nautical miles)		
1. Cork south Carnsore Point south	Demersal	Unlimited
2. Wicklow Head east Carlingford Lough south-east	Demersal	Unlimited

3. COASTAL WATERS OF BELGIUM

Geographical area	Member State	Species	Importance or particular characteristics
3 to 12 nautical miles	Netherlands	All species	Unlimited
	France	Herring	Unlimited

4. COASTAL WATERS OF DENMARK

Geographical areas	Member State	Species	Importance or particular characteristics
North Sea coast (Danish/German frontier to Hanstholm) (6 to 12 nautical miles)	Germany	Flatfish	Unlimited
		Shrimps and prawns	Unlimited
Danish/German frontier to Blåvands Huk	Netherlands	Flatfish	Unlimited
		Roundfish	Unlimited
Blåvands Huk to Bovbjerg	Belgium	Cod	Unlimited only during June and July
		Haddock	Unlimited only during June and July
	Germany	Flatfish	Unlimited
	Netherlands	Plaice	Unlimited
		Sole	Unlimited

Thyborøn to Hanstholm	Belgium	Whiting	Unlimited only during June and July
		Plaice	Unlimited only during June and July
	Germany	Flatfish	Unlimited
		Sprat	Unlimited
		Cod	Unlimited
		Saithe	Unlimited
		Haddock	Unlimited
		Mackerel	Unlimited
		Herring	Unlimited
		Whiting	Unlimited
	Netherlands	Cod	Unlimited
		Plaice	Unlimited
		Sole	Unlimited

Skagerrak (Hanstholm to Skagen) (4 to 12 nautical miles)	Belgium	Plaice	Unlimited only during June and July	
	Germany	Flatfish	Unlimited	
		Sprat	Unlimited	
		Cod	Unlimited	
		Saithe	Unlimited	
		Haddock	Unlimited	
		Mackerel	Unlimited	
		Herring	Unlimited	
	Netherlands	Whiting	Unlimited	
		Cod	Unlimited	
Plaice		Unlimited		
Kattegat (3 to 12 miles)		Sole	Unlimited	
		Germany	Cod	Unlimited
			Flatfish	Unlimited
			Nephrops	Unlimited
		Herring	Unlimited	

North of Zealand to the parallel of the latitude passing through Forsnæs lighthouse	Germany	Sprat	Unlimited
Baltic Sea (including Belts, Sound, Bornholm) 3 to 12 nautical miles	Germany	Flatfish	Unlimited
		Cod	Unlimited
		Herring	Unlimited
		Sprat	Unlimited
		Eel	Unlimited
		Salmon	Unlimited
		Whiting	Unlimited
		Mackerel	Unlimited

Skagerrak (4 to 12 miles)	Sweden	All species	Unlimited
Kattegat (3 $\bar{\cup}$ * to 12 miles)	Sweden	All species	Unlimited
Baltic Sea (3 to 12 miles)	Sweden	All species	Unlimited
(*) Measured from the coast line.			

5. COASTAL WATERS OF GERMANY

Geographical area	Member State	Species	Importance or particular characteristics
North Sea coast (3 to 12 nautical miles) all coasts	Denmark	Demersal	Unlimited
		Sprat	Unlimited
		Sand-eel	Unlimited
Netherlands	Demersal	Unlimited	Shrimps and prawns
Danish/German frontier to the northern tip of Amrum at 54°43'N	Denmark	Shrimps and prawns	Unlimited

Zone around Helgoland		United Kingdom	Cod	Unlimited
			Plaice	Unlimited
Baltic coast (3 to 12 miles)		Denmark	Cod	Unlimited
			Plaice	Unlimited
			Herring	Unlimited
			Sprat	Unlimited
			Eel	Unlimited
			Whiting	Unlimited
			Mackerel	Unlimited

6. COASTAL WATERS OF FRANCE AND THE OVERSEAS DEPARTMENTS

Geographical area	Member State	Species	Importance or particular characteristics
North-east Atlantic coast (6 to 12 nautical miles)			
Belgian/French frontier to east of Departement Manche (Vire-Grandcamp les Bains estuary 49° 23' 30" N-1° 2 'WNNE)	Belgium	Demersal	Unlimited
		Scallops	Unlimited
	Netherlands	All species	Unlimited
Dunkerque (2° 20' E) to Cap d'Antifer (0° 10' E)	Germany	Herring	Unlimited only during October to December
Belgian/French frontier to Cap d'Alprech west (50° 42 30" N — 1° 33' 30" E)	United Kingdom	Herring	Unlimited
Atlantic Coast (6 to 12 nautical miles)			

Spanish/French frontier to 46° 08' N	Spain	Anchovies	Directed fishing, unlimited only from 1 March to 30 June
			Fishing for live bait from 1 July to 31 October only.
		Sardines	Unlimited only from 1 January to 28 February and from 1 July to 31 December,
			In addition, activities relating to the abovementioned species must be pursued in accordance with and within the limits of the activities pursued during 1984
Mediterranean coast (6 to 12 nautical miles)			
Spanish frontier Cap Leucate	Spain	All species	Unlimited

7. COASTAL WATERS OF SPAIN

Geographical area	Member State	Species	Importance or particular characteristics
Atlantic coast (6 to 12 nautical miles)			
French/Spanish frontier to Cap Mayor lighthouse (3° 47' W)	France	Pelagic	Unlimited in accordance with and within the limits of the activities pursued during 1984
Mediterranean coast (6 to 12 nautical miles)			
French frontier/Cap Creus	France	All species	Unlimited

8. COASTAL WATERS OF THE NETHERLANDS

Geographical area	Member State	Species	Importance or particular characteristics
(3 to 12 nautical miles) whole coast	Belgium	All species	Unlimited

Denmark Demersal Unlimited

Sprat Unlimited

Sandeel Unlimited

Horse mackerel Unlimited

Germany Cod Unlimited

Shrimps and prawns Unlimited

(6 to 12 nautical miles) whole coast	France	All species	Unlimited
Texel south point, west to the Netherlands/German frontier	United Kingdom	Demersal	Unlimited

9. COASTAL WATERS OF FINLAND

Geographical area	Member State	Species	Importance or particular characteristics
Baltic Sea (4 to 12 miles) (*)	Sweden	All species	Unlimited
(*) 3 to 12 miles around Bogskär Isles.			

10. COASTAL WATERS OF SWEDEN

Geographical area	Member State	Species	Importance or particular characteristics
Skagerrak (4 to 12 nautical miles)	Denmark	All species	Unlimited
Kattegat (3 (*) to 12 miles)	Denmark	All species	Unlimited
Baltic Sea (4 to 12 miles)	Denmark	All species	Unlimited
	Finland	All species	Unlimited
(*) Measured from the coastline			

ANNEX II

FISHING CAPACITY CEILINGS

Capacity ceilings (based on the situation on 31 December 2010)		
Member State	GT	kW
Belgium	18 911	51 585
Bulgaria	8 448	67 607
Denmark	88 528	313 341
Germany	71 114	167 089
Estonia	22 057	53 770
Ireland	77 254	210 083
Greece	91 245	514 198
Spain (including outermost regions)	446 309	1 021 154
France (including outermost regions)	219 215	1 194 360
Italy	192 963	1 158 837
Cyprus	11 193	48 508
Latvia	49 067	65 196
Lithuania	73 489	73 516

Malta	15 055	96 912
Netherlands	166 384	350 736
Poland	38 376	92 745
Portugal (including outermost regions)	115 305	388 054
Romania	1 885	6 716
Slovenia	1 057	10 974
Finland	18 187	182 385
Sweden	42 612	210 744
United Kingdom	235 570	924 739
Outermost regions of the EU		
	GT	kW
Spain		
Canary Islands: L < 12 m. EU waters	2 649	21 219
Canary Islands: L > 12 m. EU waters	3 059	10 364
Canary Islands: L > 12 m. International and third country waters	28 823	45 593

France		
Reunion Island: Demersal and pelagic species. L < 12 m	1 050	19 320
Reunion Island: Pelagic species. L > 12 m	10 002	31 465
French Guyana: Demersal and pelagic species. Length < 12 m	903	11 644
French Guyana: Shrimp vessels	7 560	19 726
French Guyana: Pelagic species. Offshore vessels.	3 500	5 000
Martinique: Demersal and pelagic species. L < 12 m	5 409	142 116
Martinique: Pelagic species. L > 12 m	1 046	3 294
Guadeloupe: Demersal and pelagic species. L < 12 m	6 188	162 590
Guadeloupe: Pelagic species. L > 12 m	500	1 750
Portugal		
Madeira: Demersal species. L < 12 m	617	4 134
Madeira: Demersal and pelagic species. L > 12 m	4 114	12 734
Madeira: Pelagic species. Seine. L > 12 m	181	777
Azores: Demersal species. L < 12 m	2 626	29 895
Azores: Demersal and pelagic species. L > 12 m	12 979	25 721

L means length overall

ANNEX III

ADVISORY COUNCILS

Name of the Advisory Council	Area of competence
Baltic Sea	ICES ¹ zones IIIb, IIIc and IIId
Mediterranean Sea	Maritime Waters of the Mediterranean of the East of line 5°36' West
North Sea	ICES zones IV and IIIa
North Western waters	ICES zones V (excluding Va and only Union waters of Vb), VI and VII
South Western waters	ICES zones VIII, IX and X (waters around Azores), and CECAF ² zones 34.1.1, 34.1.2 and 34.2.0 (waters around Madeira and the Canary Islands)
Pelagic stocks (blue whiting, mackerel, horse mackerel, herring)	All areas competence (excluding the Baltic Sea, the Mediterranean Sea and Aquaculture)
High seas/long distance fleet	All non Union-waters
Aquaculture <i>and Inland Fishing</i>	Aquaculture, as defined in Article 5 <i>and all inland waters of the Member States of the Union</i>
<i>Outermost regions, divided into three sea basins: West Atlantic, East Atlantic, Indian Ocean</i>	<i>All the ICES zones covering water around the outermost regions, particularly the maritime waters of Guadeloupe, French Guiana, Martinique, the Canary Islands, the Azores, Madeira and Reunion</i>
<i>Black Sea Advisory Council</i>	<i>GFCM geographical sub-area as defined in Resolution GFCM/33/2009/2</i>
<i>Markets Advisory Council</i> [Am. 211]	<i>All market areas</i>

¹ ICES (International Council for the Exploration of the Sea) zones are as defined in Regulation (EC) No 218/2009 of the European Parliament and of the Council (OJ L 87, 31.3.2009, p. 70).

² CECAF (Eastern Central Atlantic or FAO major fishing zone 34) zones are as defined in Regulation (EC) No 216/2009 of the European Parliament and of the Council (OJ L 87, 31.3.2009, p. 1).